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California Irrigation District Laws

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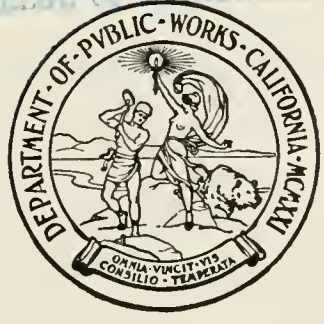

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INTRODUCTION.

The past decade has seen a marked increase in the organization of irrigation districts in California. This has naturally been accompanied by, and in fact has also largely resulted from, fundamental improvements in the Wright Irrigation District Act as revised and re-enacted in 1897 and now by law designated the "California Irrigation District Act."

The original Wright Act was plainly defective, among other particulars, in not providing for sufficient state supervision to prevent the organization of wholly speculative districts and districts for other reasons not justified or feasible; also in failing to give the state any control of irrigation district finances. During the eight years, 1887 to 1895, immediately following the original enactment, each succeeding legislature passed amendments of more or less importance, but these did not correct the fundamental objections, either as to organization or financing. More important changes were made when the law was re-enacted, in 1897, under the legislative leadership of Judge E. A. Bridgford. The essential purport of the law was not, however, altered by this re-enactment and the new act was in many of its provisions but a slight verbal revision of the old one. Radical changes, however, were made in the procedure for organization and for incurring indebtedness. These changes were planned virtually to stop new development under the law and for more than ten years that was their effect. The legislature that substituted the amended law also passed a funding act under which districts were permitted to discharge their indebtedness with new bonds. For the next four years the law was left unaltered, but beginning in 1901, and more particularly at each legislature from 1909 to 1921, amendments and supplementary acts have been adopted that have greatly changed and strengthened it. The more essential changes have been as follows: (1) Requiring petitions for the formation of irrigation districts to be referred by the board of supervisors of counties to the state engineer for report, and giving the state engineer ninety days in which to "report, make or cause to be made such preliminary investigations as may be practicable, with a view to determining the feasibility of the project proposed to be undertaken;" (2) creating an irrigation district bond commission, composed of the state engineer, state superintendent of banks, and the attorney general of the state, which, prior to bond elections, must pass on proposed bond issues, and which may validate bonds that have been voted, in whole or in part, so as to make them legal investments for funds of banks, insurance and trust companies, trusts and state school funds, and so as to permit them to be used as security for the performance of any act the same as bonds of cities, counties, school districts or municipalities; (3) permitting the organization of districts to be proposed by 500 petitioners, each petitioner, to the number of at least 500, to be an elector residing in the proposed district or the holder of title or evidence of title to land therein; (4) reducing the number of votes necessary to carry the

organization of an irrigation district from two-thirds to a majority of all votes cast; and (5) permitting boards of directors of districts to call bond elections to cover expenditures, approved by the irrigation district bond commission, without petition of the landowners, as necessary from 1897 to 1919, but requiring a two-thirds instead of a majority vote to carry such elections.

Irrigation Districts as of January 1, 1922.

Name of district	County	Year organized	Area (acres)	Bonds voted	Address of secretary
1—Alpaugh	Tulare	1914	8,861	$283,000	Alpaugh
2—Alta	Tulare-Fresno	1888	130,000	543,000	Dinuba
3—Anderson-Cottonwood	Shasta	1914	32,500	1,255,000	Anderson
4—Banta-Carbona	San Joaquin	1921	18,000		Tracy
5—Baxter Creek	Lassen	1917	11,000	511,000	Susanville
6—Beaumont	Riverside	1919	5,161	230,000	Beaumont
7—Browns Valley	Yuba	1888	44,328	[1]140,000	Browns Valley
8—Butte Valley*	Siskiyou	1920	38,600		Macdoel
9—Byron-Bethany	Contra Costa	1919	17,600	550,000	Byron
10—Cardiff	San Diego	1916	700		Carlsbad
11—Carmichael	Sacramento	1916	3,006	90,000	R. F. D. No. 3, Box 259, Sacramento
12—Citrus Heights	Sacramento	1920	3,028	262,000	Fairoaks
13—Compton-Delevan	Colusa	1920	12,655	575,000	Colusa
14—Consolidated	Fresno	1921	150,000		Selma
15—Corcoran	Kings	1919	48,438	760,000	Corcoran
16—Cordua	Yuba	1920	5,422	267,000	Marysville
17—Crooks Canyon*	Modoc	1919	6,080	80,000	Alturas
18—El Camino*	Tehama	1921	7,556		Gerber
19—El Solyo*	Stanislaus	1921	3,783		
20—Fair Oaks	Sacramento	1917	4,000	200,000	Fairoaks
21—Feather River	Sutter	1920	3,027	95,000	Nicolaus
22—Foothill	Fresno-Tulare	1920	58,000		Orosi
23—Fresno	Fresno	1920	242,000	2,250,000	Fresno
24—Glenn-Colusa	Colusa-Glenn	1920	103,000	†2,587,000	Willows
25—Grenada	Siskiyou	1921	5,055	240,000	Grenada
26—Happy Valley	Shasta	1891	18,210	765,000	Olinda
27—Honcut-Yuba	Yuba-Butte	1919	31,442		Honcut
28—Honey Lake Valley*	Lassen	1896	33,150		Amadee
29—Hot Spring Valley	Modoc	1919	9,640	160,000	Alturas
30—Imperial	Imperial	1911	603,840	8,500,000	El Centro
31—Island No. 3	Kings	1921	3,000		Hanford
32—Jacinto	Glenn	1916	11,300	238,000	Glenn
33—James	Fresno	1920	26,108	1,000,000	San Joaquin
34—Kasson	San Joaquin	1921	5,986		Tracy
35—Klamath-Shasta Valley	Siskiyou	1921	287,000		Montague
36—Knightsen	Contra Costa	1919	9,961	650,000	Knightsen
37—Laguna	Fresno	1920	37,000	265,000	Laton
38—La Mesa, Lemon Grove and Spring Valley	San Diego	1913	14,794	†1,232,500	La Mesa
39—Lemoore	Kings	1920	52,300		Lemoore
40—Lindsay-Strathmore	Tulare	1915	15,285	1,650,000	Lindsay
41—Little Rock Creek	Los Angeles	1892	3,072	308,000	Littlerock
42—Lone Tree	Contra Costa	1920	2,393	160,000	Brentwood
43—Long Valley Creek*	Lassen	1916	34,000		Doyle
44—Madera	Madera	1920	353,000	28,000,000	Madera
45—Maxwell	Colusa	1918	8,000	260,000	Colusa
46—Medano	Madera-Merced	1921	13,560		Le Grand
47—Mendota*	Fresno	1921	68,000		
48—Merced	Merced	1919	181,920	12,000,000	Merced
49—Modesto	Stanislaus	1887	81,183	4,269,261	Modesto
50—Mojave River*	San Bernardino	1917	27,665		Victorville
51—Naglee-Burk	San Joaquin	1920	3,346	200,000	Tracy
52—Nevada	Nevada	1921	209,000		Grass Valley
53—Newport Heights	Orange	1918	1,503	160,000	Costa Mesa
54—Newport Mesa	Orange	1918	670	50,000	Costa Mesa
55—Oakdale	Stanislaus-San Joaquin	1909	74,246	2,399,500	Oakdale
56—Oroville-Wyandotte	Butte	1919	17,700		Oroville
57—Palmdale	Los Angeles	1916	4,756	445,000	Palmdale

*Formed without State Engineer's approval.
†Issued without approval of Bond Commission.
[1]Browns Valley district paid off its bonds at 30 cents on the dollar.

Irrigation Districts as of January 1, 1922—Continued.

Name of district	County	Year organized	Area (acres)	Bonds voted	Address of secretary
58—Paradise	Butte	1916	11,200	490,000	Paradise
59—Plainsburg*	Merced	1919	5,717		Merced
60—Princeton-Codora-Glenn	Glenn-Colusa	1916	13,861	175,000	Princeton
61—Provident	Glenn-Colusa	1918	22,858	1,190,000	Willows
62—Redrock Creek*	Lassen	1918	3,700		Ravendale
63—Riverdale*	Fresno	1920	16,000		Riverdale
64—San Ysidro	San Diego	1911	492	25,000	San Ysidro
65—Scott Valley	Siskiyou	1917	6,540	125,000	Fort Jones
66—Southern Lassen*	Lassen	1915	21,500		Doyle
67—South Capay	Glenn	1921	1,486		Orland
68—South San Joaquin	San Joaquin	1909	71,050	3,835,000	Manteca
69—Stinson	Fresno	1921	16,020		Helm
70—Stratford	Kings	1916	9,200		Stratford
71—Suisun*	Solano	1921	41,075		Suisun
72—Surprise Valley*	Modoc	1918	17,500		Fort Bidwell
73—Terra Bella	Tulare	1915	12,000	1,060,000	Terra Bella
74—Tranquillity	Fresno	1918	11,360	260,000	Tranquillity
75—Tulare	Tulare	1889	39,360	[1]500,000	Tulare
76—Tule	Lassen	1920	25,400	806,000	Susanville
77—Turlock	Stanislaus-Merced	1887	178,798	6,770,000	Turlock
78—Victor Valley*	San Bernardino	1917	71,517		Victorville
79—Walnut	Los Angeles	1893	869		Rivera
80—Waterford	Stanislaus	1914	13,577	670,000	Waterford
81—Webster	Madera	1916	15,000		Madera
82—West Side	San Joaquin	1915	11,828	500,000	Tracy
83—West Stanislaus*	Stanislaus-Merced	1920	35,681		Crows Landing
84—Williams*	Colusa	1920	9,021	†600,000	Williams
			3,887,380	[2]$89,876,261	

*Formed without State Engineer's approval.
†Issued without approval of Bond Commission.
[1]Tulare district bought up its bonds and burned them in 1903.
[2]Less $640,000, Browns Valley and Tulare districts' bonds paid and canceled.

OUTLINE OF PROCEDURE FOR THE FORMATION OF A WRIGHT IRRIGATION DISTRICT.

The following brief outline of the procedure to be followed in the formation of an irrigation district under the California Irrigation District Act, while not intended for lawyers, may be of interest to communities contemplating this type of organization.

(1) Determination of the general practicability of the proposed project. Advice may be obtained from the State Department of Public Works.

(2) Determination of boundaries of proposed district and of proposed source of water supply.

(3) Circulation of petition among property owners within proposed district. Petitions must contain the names of a majority of the holders of title to lands within the proposed district representing a majority in value of said land; or they may contain the names of 500 electors or landowners within the proposed district. This petition should be drawn up and circulated under competent legal advice. (Sec. 2.)

(4) Advertise proposal to present petition for two weeks in some newspaper of general circulation in the county or counties in which the proposed district is situated. (Sec. 2.)

(5) Present petition to board of supervisors at date specified in advertised notice and forward copy of petition to state engineer. (Sec. 2.)

(6) Hearing on sufficiency of petition by county board of supervisors (Sec. 2) and if found sufficient, forwarding of copy of the determination of the board of supervisors to the state engineer‡ for report. (Sec. 2.)

(7) After receiving the report of the state engineer, and if the proposed district is approved, final hearing on the matter by the board of supervisors and calling of election on organization, notice of such election to be published for at least three weeks prior thereto, and officers of the district to be voted on along with the matter of organization. (Secs. 6 to 8.)

(8) Board of supervisors to canvass votes cast at the election, and if carried, to declare district duly organized. (Sec. 9.)

(9) Organization of the board of directors and employment of an engineer to prepare plans for the district; determination by board of directors of the amount of bonds necessary; reference of plans and specifications to the irrigation district bond commission. (Secs. 13, 30, and 30*a*.)

(10) Report by the irrigation district bond commission and, if favorable, the calling of a bond election by the board of directors. (Sec. 30*a*.)

(11) Reference of bond issue to irrigation district bond commission for validation. (Special act Stats. 1913, p. 778; Stats. 1915, p. 692; Stats. 1917, p. 582; Stats. 1919, p. 1207; Stats. 1921, p. 1198.)

With these and other related steps fully set forth in the act, the district is ready to purchase or construct irrigation works and otherwise carry out proposals for which it has been formed.

‡The Division of Engineering and Irrigation, Department of Public Works, has succeeded to the powers and duties conferred or imposed upon the State Engineer by the irrigation laws.

I. CONSTITUTIONAL PROVISIONS.

TAKING IMMEDIATE POSSESSION IN EMINENT DOMAIN PROCEEDINGS.

ARTICLE I.

SEC. 14. Private property shall not be taken or damaged for public use without just compensation having first been made to, or paid into court for, the owner, and no right of way shall be appropriated to the use of any corporation, except a municipal corporation or a county, until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefits from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law; *provided,* that in an action in eminent domain brought by the state, or a county, or a municipal corporation, or a drainage, irrigation, levee, or reclamation district, the aforesaid state or political subdivision thereof, or district may take immediate possession and use of any right of way required for a public use whether the fee thereof or an easement therefor be sought upon first commencing eminent domain proceedings according to law in a court of competent jurisdiction and thereupon giving such security in the way of money deposits as the court in which such proceedings are pending may direct, and in such amounts as the court may determine to be reasonably adequate to secure to the owner of the property sought to be taken immediate payment of just compensation for such taking and any damage incident thereto, including damages sustained by reason of an adjudication that there is no necessity for taking the property, as soon as the same can be ascertained according to law. The court may, upon motion of any party to said eminent domain proceedings, after such notice to the other parties as the court may prescribe, alter the amount of such security so required in such proceedings. The taking of private property for a railroad run by steam or electric power for logging or lumbering purposes shall be deemed a taking for a public use, and any person, firm, company or corporation taking private property under the law of eminent domain for such purposes shall thereupon and thereby become a common carrier. (Amendment adopted November 5, 1918.)

ACQUIRING STOCK IN FOREIGN CORPORATION.

ARTICLE IV.

SEC. 31. * * * ; *provided, further,* that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign cor-

poration which is the owner of, or which holds the title to the part of such system situated in a foreign country. (Amendment adopted November 3, 1914.)

LEGISLATIVE POWER TO PROVIDE FOR SUPERVISION OF DISTRICTS.

Article XI.

Sec. 13. The legislature shall not delegate to any special commission, private corporation, company, association or individual any power to make, control, appropriate, supervise or in any way interfere with any county, city, town or municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or assessments or perform any municipal function whatever, except that the legislature shall have power to provide for the supervision, regulation and conduct, in such manner as it may determine, of the affairs of irrigation districts, reclamation districts or drainage districts, organized or existing under any law of this state. (Amendment adopted November 3, 1914.)

Merchants Bank vs. *Escondido Irr. Dist.*, 144 Cal. 329.

PAYMENT OF BONDS.

Article XI.

Sec. 13½. Any county, city and county, city, town, municipality, irrigation district, or other public corporation, issuing bonds under the laws of the state, is hereby authorized and empowered to make said bonds and the interest thereon payable at any place or places within or outside of the United States, and in any money, domestic or foreign, designated in said bonds. (Amendment adopted November 3, 1914.)

BONDS EXEMPT FROM TAXATION.

Article XIII.

Sec. 1¾. All bonds hereafter issued by the State of California, or by any county, city and county, municipal corporation, or district (including school, reclamation, and irrigation districts) within said state, shall be free and exempt from taxation. (New section adopted November 4, 1902.)

WATER AND WATER RIGHTS.

Article XIV.

Section 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the state, in the manner to be prescribed by law * * *.

II. STATUTORY PROVISIONS.

CALIFORNIA IRRIGATION DISTRICT ACT.[1]

An act to provide for the organization and government of irrigation districts, and to provide for the acquisition and construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes.

(Approved March 31, 1897, Stats. 1897, p. 254; amended Stats. 1901, p. 815; 1905, p. 27; 1909, pp. 12, 46, 429, 461, 998, 1062, 1075; 1911, pp. 509, 1111; 1911 (extra session), pp. 135, 139, 248; 1913, pp. 59, 781, 993; 1915, pp. 836, 1291, 1326, 1367; 1917, pp. 751, 915; 1919, pp. 472, 660, 714; 1921, pp. 849, 859, 999, 1004, 1108.[2])

ORGANIZATION.

Who may propose the organization of an irrigation district.

SECTION 1. A majority in number of the holders of title or evidence of title to lands susceptible of irrigation from a common source and by the same system of works including pumping from subsurface or other waters, such holders of title or evidence of title representing a majority in value of said lands, may propose the organization of an irrigation district, under the provisions of this act; or the organization of such an irrigation district may be proposed by not less than five hundred petitioners, each petitioner to the number of at least five hundred to be an elector residing in the proposed district or the holder of title or evidence of title to land therein; *provided,* that the said petitioners must include the holders of title or evidence of title to not less than twenty per cent in value of the lands included within the proposed district. The lands proposed to be included within any such irrigation district need not consist of contiguous parcels. Any holder of land under a possessory right acquired by entry or purchase from the United States or the State of California shall be deemed to be a holder of evidence of title to said land within the meaning of this act. The county assessment roll of the county in which any lands included within such proposed irrigation district are situated, which assessment roll has been last equalized at the time of the first publication of said petition as provided in section two of this act, shall be conclusive evidence as to the value of said lands and the holders of title or evidence of title to said lands. If any parcel of land is assessed on any assessment roll to unknown or fictitiously named owners, or to unnamed owners in addi-

[1] NOTE—Because the present act continues the principles of the original Wright Act of 1887, it is still popularly known as the "Wright Act." The Wright Act of 1887 was repealed, however, in 1897, upon the passage of the present act.

Most of the annotations on this act were prepared by Mr. Francis Carr. The notes under section two were largely contributed by Mr. L. L. Dennett.

[2] NOTE—The provisions of the present act, when adopted, were based upon the provisions of the Wright Act and acts supplemental thereto, as indicated below.

Present Act	*Original Acts*
§§1–65	Wright Act, Stats. 1887, p. 29.
§§68–72	Stats. 1889, p. 212.
§§74–84	Stats. 1889, p. 21; as amended 1893, p. 516.
§§85–97	Stats. 1889, p. 18.
§§98–99½	Stats. 1893, p. 276.
§§100–105	Stats. 1893, p. 295.
§§106–108	Stats. 1895, p. 127.

tion to any owner or owners named thereon, said parcel of land shall be deemed, for any of the purposes of this act, to have but one owner in addition to any owner or owners whose true name or names may be purported to be given on such assessment roll. The holder of title or evidence of title to an undivided interest in any land affected by any of the provisions of this act may sign any petition provided for in this act, and such undivided interest shall be counted and valued as though it were a separate interest, and if the assessment roll shall fail to indicate the extent of any such undivided interest, the holders of title or evidence of title whose undivided interest in any land are not specifically defined shall be deemed to have equal shares therein. Guardians, executors, administrators or other persons holding property in a trust capacity under appointment of court may sign any petition provided for in this act, when authorized by an order of court, which order may be made without notice. A certificate of acknowledgment taken before a notary public or justice of the peace of any state, or an affidavit by any person in the presence of whom such petition was signed, shall be sufficient evidence of the genuineness of such signature and of the fact of place of residence of any petitioners under this act. (Stats. 1919, p. 714.)

Organization:

Assessment roll as evidence of title.

Matter of Bonds of South San Joaquin Irr. Dist., 161 Cal. 345.

Legislature may authorize initiatory proposal to be made by such persons as it sees fit.

Imperial Water Co. vs. *Supervisors*, 162 Cal. 14–25.

Holders of title or evidence of title:

Board of Directors vs. *Abila*, 106 Cal. 355;
Carson vs. *Cudworth* (Colo.), 140 Pac. 935;
In re Gallatin Irr. Dist. (Mont.), 140 Pac. 92–4;
Gem. Irr. Dist. vs. *Johnson* (Idaho), 109 Pac. 845.

Inclusion of public land will not invalidate organization.

Cullen vs. *Glendora W. Co.*, 113 Cal. 503;
Stevens vs. *Melville* (Utah), 175 Pac. 602;
Nevada Bank vs. *Poso Dist.*, 140 Cal. 344.

Petition to organize district.

SEC. 2. In order to propose the organization of an irrigation district, a petition signed by the requisite majority of holders of title or evidence of title to lands within the proposed district or by at least five hundred petitioners, as provided in section one of this act, shall be presented to the board of supervisors of the county in which the lands within the proposed district, or the greater portion thereof, are situated. Said petition shall set forth generally the boundaries of the proposed district and also shall state generally the source or sources (which may be in the alternative) from which said lands are proposed to be irrigated, and shall pray that the territory embraced within the boundaries of the proposed district may be organized as an irrigation district under the provisions of this act. The petition may consist of any number of separate instruments, and must be accompanied with a good and sufficient undertaking, to be approved by the board of supervisors, in double the amount of the probable cost of organizing such district, conditioned that the sureties shall pay all of said costs in case said organization shall not be effected. Said petition shall be presented at

a regular meeting of said board, and shall be published for at least two weeks before the time at which the same is to be presented in some newspaper of general circulation printed and published in the county where said petition is presented together with a notice stating the time of the meeting at which the same will be presented; and if any portion of the lands within said proposed district lie within another county or counties, then said petition and notice shall be published, as above provided, in a newspaper published in each of said counties. When contained upon more than one instrument, one copy only of such petition need be published, but the names attached to all of said instruments must appear in such publication. On or before the day on which said petition is presented to said board of supervisors, a copy of said petition shall be filed in the office of the state engineer. Signatures to the petition may be withdrawn at any time before the publication is commenced as in this section required, by filing a declaration, signed by the petitioner, with the board of supervisors before which the petition is to be presented, stating that it is the intention of the petitioner to withdraw therefrom, which declaration shall be acknowledged in the same manner as conveyances of real estate are required to be acknowledged. When said petition is presented, said board of supervisors shall hear the same and shall proceed to determine whether or not said petition complies with the requirements hereinbefore set forth and whether or not the notice required herein has been published as required, and must hear all competent and relevant testimony offered in support of or in opposition thereto. Said hearing may be adjourned from time to time for the determination of said facts, not exceeding two weeks in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, and no lack of signatures thereto, or to the petition as published, shall vitiate any proceedings thereon; *provided,* such petition or petitions have a sufficient number of qualified signatures attached thereto. The determination of the board shall be expressed by resolution. If it shall determine that any of the requirements hereinbefore set forth have not been complied with, the matter shall be dismissed, but without prejudice to the right of the proper number of persons to present a new petition covering the same matter or to present the same petition with additional signatures, if such additional signatures are necessary to comply with the requirements of this act. If the board of supervisors shall determine that the petitioners have complied with the requirements hereinbefore set forth, it shall cause a copy of the resolution so declaring to be forwarded to the state engineer. Upon receiving a copy of said resolution, the state engineer shall make or cause to be made such preliminary investigation as may be practicable, with a view to determining the feasibility of the project proposed to be undertaken. He shall report as soon as practicable, but at all events within ninety days from the date of the adoption of the said resolution, in writing, on the matter to the board of supervisors from which the copy of said resolution was received, except that upon receiving a written request from the state engineer, the board of supervisors may at any meeting before the expiration of said ninety days grant to the state engineer not more than ninety days additional time in which to make said report. If the state engineer shall report

within the time specified herein that the supply of water available for the use of the proposed district, or that may be acquired by any practicable means, including the condemnation of existing rights, is not sufficient or that the project is not feasible for any other reason or reasons, the hearing of the matter shall be continued for not more than two months and shall then be dismissed unless the board of supervisors shall be petitioned in writing by three-fourths of the holders of title or evidence of title to land within said proposed district to grant said petition; *provided,* that if the board of supervisors is not so petitioned, it may modify the plans for the proposed district in accordance with recommendations by the state engineer. If after receiving an adverse report from the state engineer the board of supervisors shall be petitioned as aforesaid or shall decide to modify the plans for the proposed district in accordance with recommendations by the state engineer, it shall, at the time to which the hearing of said matter shall have been continued, set a time for the final hearing thereof. If the continuance of the matter is not compelled by an adverse report as aforesaid, the board of supervisors, at its first regular meeting after the receipt of a report from the state engineer, or at the first regular meeting after the expiration of the time allowed for the making of such report if no such report has been received, shall set a time for a final hearing of the matter. In any case the time set for the final hearing as aforesaid shall not be less than one week from the meeting at which said time was set; *provided,* that notice of the time of such final hearing shall be given by registered mail to such party as shall have been designated for that purpose by the petitioners, or by publication for at least three days in one daily newspaper published in the county in which the lands within the proposed district, or the greater portion thereof are situated. A failure to give such last mentioned notice, however, shall not affect the validity of subsequent proceedings. On a final hearing herein provided for, the board may adjourn from time to time, but at no time for a longer period than three days until a determination of the matter is reached. On said final hearing said board shall make such changes in the proposed boundaries as it may deem advisable and shall define and establish such boundaries, but said board shall not modify said boundaries so as to exclude from such proposed district any territory which is susceptible of irrigation from any of the sources proposed, unless said board shall decide to modify the plan for such proposed district, as herein provided, nor shall any lands which will not, in the judgment of said board, be benefited by irrigation by means of said systems or works be included within such proposed district. Lands already irrigated and riparian lands may be included in the district if in the judgment of the board of supervisors such land will be benefited, or if the water used thereon or the rights to the use of water thereon should, in the judgment of the board of supervisors, be taken or acquired for the district. Any person whose lands are susceptible of irrigation from any of the proposed sources may, upon his application, in the discretion of said board, have such lands included within said proposed district. (Stats. 1919, p. 715.)

Petition:

The form or contents of the petition is not important, provided that it contains the required recitals showing the boundaries; the proposed sources of supply; that it is the purpose of the petitioners to organize an irrigation district; and praying that the same be organized thereunder.

Ells vs. *Board of Supervisors* (Cal. App.), 38 Cal. App. 480;
William Hanley Co. vs. *Harney Valley Irrig. Dist.* (Ore.), 180 Pac. 725.

Petition, signatures, and bond for cost of organization:

Board of Directors vs. *Abila*, 106 Cal. 365;
Fogg vs. *Perris Irr. Dist.*, 154 Cal. 209;
Central Irr. Dist. vs. *DeLappe*, 79 Cal. 351;
In re Madera Irr. Dist., 92 Cal. 296;
McAulay vs. *Board of Supervisors*, 178 Cal. 628;
Black Canyon Dist. vs. *Marple* (Idaho), 112 Pac. 766.

Owners of possessory rights are eligible as petitioners.

Imperial Water Co. vs. *Supervisors*, 162 Cal. 25.

It appears to be proper for the board of supervisors to appoint some one as referee to compare the petitions and assessment roll.

Imperial Water Co. vs. *Supervisors*, 162 Cal. 24.

The best evidence, however, is required.

Wilder vs. *Board, etc.* (Colo.), 135 Pac. 461;
Ahern vs. *Board of Directors* (Colo.), 89 Pac. 964.

The presentation to the board of a bond is jurisdictional, and where although the bond was informal it was a binding obligation upon those who signed it, the proceedings are not rendered illegal. The supervisors may permit a new bond to be filed.

In re Madera Irr. Dist., 92 Cal. 329;
Central Irr. Dist. vs. *DeLappe*, 79 Cal. 357.

Description of boundaries:

A description by metes and bounds sufficient for an ordinary conveyance will suffice. The petition is sufficient so long as the boundaries can be definitely located.

Central Irr. Dist. vs. *DeLappe*, 79 Cal. 351;
In re Madera Irr. Dist., 92 Cal. 296;
Cullen vs. *Glendora Water Co.*, 113 Cal. 503;
Board of Directors vs. *Kimball* (Wash.), 157 Pac. 38.

Land in irrigation district may be included in municipal water district.

Henshaw vs. *Foster*, 176 Cal. 507.

Notice, publication, etc.:

In re Central Irr. Dist., 117 Cal. 382;
Fogg vs. *Perris Irr. Dist.*, 154 Cal. 209;
Imperial Water Co. vs. *Supervisors*, 162 Cal. 14;
Tulare Dist. vs. *Shepard*, 185 U. S. 1, 46 L. Ed. 773;
Ells vs. *Board of Supervisors* (Cal. App.), 38 Cal. App. 480;
Wm. Hanley Co. vs. *Harney Valley Irr. Dist.* (Ore.), 180 Pac. 724.

The time set for the hearing must be at a regular meeting of the board of supervisors, but it is not necessary that the notice specify that fact.

Imperial Water Co. vs. *Supervisors*, 162 Cal. 23.

The notice need not be separately signed and may precede the petititon, with the signatures attached to the petition.

Fogg vs. *Perris Dist.*, 154 Cal. 209;
Ells vs. *Board of Supervisors* (Cal. App.), 38 Cal. App. 480.

The date of the petition and notice should not vary.

Ahern vs. *Board of Directors* (Colo.), 89 Pac. 964.

Hearing:

At the hearing, the assessment roll is sufficient evidence of ownership.

Matter of Bonds of South San Joaquin Irr. Dist., 161 Cal. 345.

Right to withdraw from petition:

A petitioner may withdraw his name from the petition at any time prior to its presentation to the board of supervisors on the day fixed therefor; but see amendment of 1919 suspended by referendum.

McAulay vs. *Board of Supervisors*, 178 Cal. 628.

Inclusion and exclusion of lands:

While it appears that the action of the board can not be arbitrary (*Ahern* vs. *Board of Directors*, 89 Pac. 964), yet in the absence of fraud the action of the board of supervisors can not be attacked.

Cullen vs. *Glendora Water Co.*, 113 Cal. 503;
Fallbrook Irr. Dist. vs. *Bradley*, 164 U. S. 112.

The application for inclusion or exclusion need not be in writing.

Central Irr. Dist. vs. *DeLappe*, 79 Cal. 351.

Character of land that may be included:

As to the land that may be included within a district, the jurisdiction of the board seems to be very broad. It is proper to include cities and any land that in its natural state would be benefited by irrigation.

La Mesa Homes Co. vs. *La Mesa Irr. Dist.*, 173 Cal. 121;
Tregea vs. *Modesto Irr. Dist.*, 164 U. S. 179.

On the inclusion of city or town lots, *see also*

Board of Directors vs. *Tregea*, 88 Cal. 334;
In re Madera Irr. Dist., 92 Cal. 296;
Board of Directors vs. *Abila*, 106 Cal. 365;
In re Central Irr. Dist., 117 Cal. 382;
Imperial Water Co. vs. *Supervisors*, 162 Cal. 14;
Nampa Irr. Dist. vs. *Brose* (Idaho), 83 Pac. 499.

It appears that rights of way of railroads may likewise be included.

Oregon Short Line, etc., vs. *Pioneer Dist.* (Idaho), 102 Pac. 905.

But there also appears to be no machinery by which such rights of way may be compelled to pay assessments.

Atchison T. & S. F. Ry. Co. vs. *Reclamation Dist. No. 404*, 173 Cal. 91.

Fixing of boundaries by board of supervisors:

Central Irr. Dist. vs. *DeLappe*, 79 Cal. 351;
Cullen vs. *Glendora Water Co.*, 113 Cal. 517;
Board of Directors vs. *Tregea*, 88 Cal. 334–351;
Imperial Water Co. vs. *Supervisors*, 162 Cal. 14;
Board of Directors vs. *Kimball* (Wash.), 157 Pac. 38;
Ahern vs. *Board of Directors* (Colo), 89 Pac. 963.

Inclusion or exclusion after organization:

Where the petitioner brings himself within the specified classes of those entitled to exclusion, he has an absolute right to such exclusion and writ of mandate will issue to enforce such right.

Harelson vs. *South San Joaquin Irr. Dist.*, 20 Cal. App. 324.

State engineer, procedure upon receipt of adverse report by:

Rich et al vs. *Connelly et al*, 35 C. A. D. 134.

State engineer to furnish information.

SEC. 2*a*. The state engineer shall have authority, and it shall be his duty, to give information so far as may be practicable to persons contemplating the organization of irrigation districts under the provisions of this act. Whenever the department of engineering shall deem it in the public interest that preliminary surveys and field investigations of proposed irrigation district projects shall be made at the expense of the state, the state engineer shall make such surveys and field investigations of such proposed irrigation district projects, and, pending the completion of such surveys and investigation, the state water commission shall have authority to withhold from appropriation any unappropriated waters likely to be needed therefor. (Stats. 1917, p. 755.)

Order of supervisors reaffirming conclusions.

SEC. 3. Upon the final hearing of said petition or said matter, the board of supervisors shall make an order reaffirming its conclusions as to the genuineness and sufficiency of the petition and notice hereinbefore

provided for, reciting that a report regarding the proposed district has been made by the state engineer and is on file with the other records of the board, and describing the boundaries of the proposed district as defined and established by said board. Said order shall be entered in full upon the minutes of said board. At said final hearing no evidence shall be heard against the genuineness or sufficiency of said petition or notice unless it shall be shown to the satisfaction of said board that new evidence which, if uncontradicted, would disprove the genuineness or sufficiency of said petition or notice has been discovered since said board adopted the resolution declaring that said petition and notice complied with all the requirements of this act. In case any new evidence is admitted, full opportunity shall be given for the introduction of evidence in rebuttal thereof. (Stats. 1913, p. 996.)

Sufficiency of petition and genuineness of signatures to be determined by board of supervisors.

Imperial Water Co. vs. *Supervisors*, 162 Cal. 14–19.

Finding of board to be conclusive.

SEC. 4. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except the State of California upon suit commenced by the attorney general. Any such suit must be commenced within one year after the order of the board of supervisors declaring such district organized as herein provided, and not otherwise. (Stats. 1911, extra session, p. 139.)

Former section 4 providing for appeal to superior court was unconstitutional.
Chinn vs. *Superior Court*, 156 Cal. 478.

Certiorari:
Imperial Water Co. vs. *Supervisors*, 162 Cal. 14.

Conclusiveness of order:
Fallbrook Irr. Dist. vs. *Bradley*, 164 U. S. 112, 171;
People vs. *Hagar*, 52 Cal. 171–182;
Board of Directors vs. *Tregea*, 88 Cal. 335–54;
In re Madera Irr. Dist., 92 Cal. 296–324;
O'Neill vs. *Yellowstone Dist.* (Mont.), 121 Pac. 283;
Progressive Irr. Dist. vs. *Smith* (Idaho), 156 Pac. 1133;
Board of Directors vs. *Peterson* (Ore.), 129 Pac. 123;
Links vs. *Anderson* (Ore.), 168 Pac. 605;
Herrett vs. *Warm Springs Dist.* (Ore.), 168 Pac. 609;
Andrews vs. *Lillian Irr. Dist.* (Nebr.), 97 N. W. 336;
Sowerwine vs. *Central Dist.* (Nebr.), 124 N. W. 119;
Ells vs. *Board of Supervisors* (Cal. App.) 38 Cal. App. 480.

Statute of limitations:
(See Sec. 72 *infra.*)
In re Central Irr. District, 117 Cal. 382;
People vs. *Perris Irr. Dist.*, 142 Cal. 601;
Miller vs. *Perris Irr. Dist.*, 85 Fed. 693;
Tulare Irr. Dist. vs. *Shepard*, 185 U. S. 1–18, 46 L. Ed. 773, 781;
Progressive Irr. Dist. vs. *Anderson* (Idaho), 114 Pac. 16–18.

Bona fide attempt to organize followed by user:
Tulare Irr. Dist. vs. *Shepard*, 185 U. S. 1.

Divisions in district and election of directors.

SEC. 5. If, on said final hearing, the boundaries of the proposed district are defined and established, said board shall make an order dividing said district into five divisions, as nearly equal in size as may be practicable, which shall be numbered first, second, third, fourth and fifth, and one director shall be elected for each division by the electors

thereof; *provided,* that if so requested in said petition, the board may order that there shall be only three divisions in said district, and that only three directors be elected, and that the directors may be elected by the district at large, or by divisions, as such petition shall provide, but in any event such directors shall be elected to represent separate divisions and shall be residents of the respective divisions they are elected to represent. (Stats. 1915, p. 1368.)

Cullen vs. *Glendora Water Co.,* 113 Cal. 503.

ELECTION ON ORGANIZATION.

Election on organization.

SEC. 6. Said board of supervisors shall then give notice of an election to be held in such proposed district, for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall describe the boundaries so established, and shall designate a name for the proposed district, and said notice shall be published for at least three weeks previous to such election, in a newspaper published within the county in which the petition for the organization of the proposed district was presented; and if any portion of such proposed district is within another county or counties, then such notice shall be published for the same length of time in a newspaper published in each of said counties. Such notice shall require the electors to cast ballots, which shall contain the words "Irrigation District—Yes," or "Irrigation District—No," or words equivalent thereto, and also the names of persons to be voted for at said election. For the purposes of said election the board of supervisors must establish a convenient number of election precincts in said proposed district, and define the boundaries of the same. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the state, but no particular form of ballot shall be required.

Central Irr. Dist. vs. *DeLappe,* 79 Cal. 351;
Cullen vs. Glendora Water Co., 113 Cal. 503;
Links vs. *Anderson* (Ore.), 168 Pac. 1182.

Officers to be elected.

SEC. 7. At such election there shall be elected a board of directors, and an assessor, tax collector, and treasurer; *provided,* that where a consolidation of officers as hereinafter provided for is deemed advisable in the organization of a district, the petitioners may request in their petition for organization such consolidation, and the board of supervisors calling the election shall in its order therefor announce such consolidation, and then only one person shall be elected to fill the several offices so consolidated.

Qualifications of electors.

SEC. 8. No person shall be entitled to vote at any election held under the provisions of this act unless he possesses all the qualifications required of electors under the general election laws of the state.

In re Madera Irr. District, 92 Cal. 321.

Canvass of votes; majority to determine organization.

SEC. 9. The board of supervisors shall meet on the second Monday succeeding such election, and shall proceed to canvass the votes cast thereat, and if upon such canvass it appears that a majority of all the votes cast are "Irrigation District—Yes," said board shall, by an order entered on its minutes declare the territory duly organized as an irrigation district, under the name theretofore designated, and shall declare the persons receiving respectively the highest number of votes at said election to be duly elected. (Stats. 1919, p. 718.)

Imperial Water Co. vs. *Supervisors*, 162 Cal. 14–19;
Progressive Irr. Dist. vs. *Anderson* (Idaho), 114 Pac. 16.

Order to be filed with county recorder.

SEC. 10. Said board shall then cause a copy of such order, duly certified, to be immediately filed for record in the office of the county recorder of any county in which any portion of the lands embraced in such district are situated, and must also immediately forward a copy thereof to the clerk of the board of supervisors of each of said last-mentioned counties, and no board of supervisors of any county in which any portion of the lands embraced in such district are situated shall, after the date of the organization thereof, allow another district to be formed including any portion of said lands, without the consent of the board of directors of the district in which they are situated. From and after such filing, the organization of such district shall be complete.

Courts have no power to dissolve an irrigation district in the absence of statutory authority.

People vs. *Selma Irrigation Dist.*, 98 Cal. 206.

When the organization of the district has been declared by order of the board of supervisors, the order is notice to its inhabitants and to the world of its existence and of its boundaries.

Fogg vs. *Perris Irr. District*, 154 Cal. 209;
Progressive Irr. Dist. vs. *Anderson* (Idaho), 114 Pac. 16.

Election may be contested; appeal.

SEC. 11. Such election, on organization, may be contested by any person owning property within the proposed district liable to assessment. The directors elected at such election shall be made parties defendant. Such contest shall be brought in the superior court of the county where the petition for organization is filed: *provided,* that if more than one contest be pending they shall be consolidated and tried together. The court having jurisdiction shall speedily try such contest, and determine, upon the hearing, whether the election was fairly conducted and in substantial compliance with the requirements of this act, and enter its judgment accordingly. Such contest must be brought within twenty days after the canvass of the vote and declaration of the result by the board of supervisors. The right of appeal is hereby given to either party to the record within thirty days from entry of judgment. The appeal must be heard and determined by the supreme court within sixty days from the time of filing the notice of appeal.

Tenure of office.

SEC. 12. The officers elected at the election hereinbefore provided for shall immediately enter upon their duties as such, upon qualifying in the manner for such officers herein provided. Said officers shall hold office respectively until their successors are elected and qualified.

Officers of irrigation district are public officers.
In re Madera Irr. District, 92 Cal. 296;
People vs. *Selma District*, 98 Cal. 206.

DUTIES AND POWERS OF THE BOARD OF DIRECTORS.

Organization.

SEC. 13. The directors of any district created after the passage of this act, on the first Tuesday after they have been declared elected and after they shall have qualified, shall meet and classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the less number shall expire at the next general February election in this act provided for; and the term of office of the class having the greater number shall terminate at the next general February election thereafter. After such classification, said directors shall organize as a board, shall elect a president from their number, and appoint a secretary, who shall each hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board of directors. (Stats. 1921, p. 859.)

Board of directors have no power to appoint their own members as secretary or superintendent.
Interstate Trust Co. vs. *Steele* (Colo.), 173 Pac. 873–5.

Monthly meetings; quorum.

SEC. 14. The board of directors shall hold a regular meeting on the first Tuesday of each month at the place selected as the office of the board; *provided,* that the board may, by resolution duly entered upon its minutes, fix any other time as the time for its regular monthly meeting, but no change in the time of holding regular meetings of the board shall be made until after the resolution proposing such change has been published once a week for two successive weeks in a newspaper published in the county in which the office of the district is kept. Such special meetings of the board of directors may be held as may be required for the proper transaction of the business of the district, but a special meeting must be ordered by a majority of the board. The order must be entered of record, and five days notice thereof must by the secretary be given to each director not joining in the order. The order must specify the business to be transacted, and no other business than that specified in the order may be transacted at such special meeting, unless all the members are present and consent to the consideration of any business not specified in said order. All meetings of the board must be public and three members shall constitute a quorum for the transaction of business; *provided, however,* that when the board consists of three members only, then in such case two shall constitute a quorum for the transaction of business, but on all questions requiring a vote, except a motion to adjourn or a motion to adjourn to a stated time, there shall be a concurrence of at least the number

constituting a quorum. A smaller number of directors than a quorum may adjourn from day to day. All records of the board shall be open to public inspection during business hours. Whenever any act is required to be done or proceeding taken by this act, or by an act supplemental or amendatory thereto, on the first Tuesday in any month, such act may be done or proceeding had upon the day specified in the resolution hereinbefore referred to as the time for the regular meeting of the board of directors; *provided, also,* that when a day other than the first Tuesday in the month shall have been specified as the time for the regular meeting of the board of directors, thereafter the newly elected officers of the district shall take effect at noon on the day fixed for the regular monthly meeting of said board in March and said board shall meet for reorganization and the transaction of any other business of the district in the afternoon of said day. (Stats. 1917, p. 755.)

Imperial Land Co. vs. *Imperial Irr. District,* 173 Cal. 660–5.

Publication of financial condition.

SEC. 14*a*. The board of directors at their regular monthly meeting in January of each year shall render and immediately thereafter cause to be published a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Said publication shall be made at least once a week for two weeks, in some newspaper, published in the county where the office of the board of directors of such district is situated. (Stats. 1917, p. 756.)

General powers of directors.

SEC. 15. The board of directors shall have the power and it shall be their duty to manage and conduct the business and affairs of the district; make and execute all necessary contracts; employ and appoint such agents, officers, and employees as may be required, and prescribe their duties.[1] The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works and the line for canal or canals, and the necessary branches for the same on any lands which may be deemed best for such location. Said board shall also have the right to acquire, by purchase, lease, contract, condemnation,[2] or other legal means, all lands, and waters, and water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvements of said canal, or canals, and works, whether in this or in other states[3] or in a foreign nation, including canals, and works constructed and being constructed by private owners,[4] lands for reservoirs for the storage of needful waters, and all necessary appurtenances, and also where

[1]Section 7 of the Workmen's Compensation, Insurance and Safety Act of 1917 (as amended by Stats. 1919, p. 913) provides that the term "employer" as used in the act, shall be construed to include irrigation districts.

[2]For power of district to take immediate possession of right of way in eminent domain proceedings, see Art. I, Sec. 14, of the Constitution, page 9 hereof.

[3]For regulations governing agreements with irrigation districts in adjoining states, see supplementary act of 1917 (Stats. 1917, p. 905).

[4]The procedure before the Railroad Commission for the valuation of the property of a public utility in condemnation proceedings instituted by a district is prescribed in sections 47 and 70 of the Public Utilities Act (as amended by Stats. 1917, p. 261).

necessary or convenient to said ends to acquire and hold the stock of other corporations domestic or foreign[1] owning waters, canals, waterworks, franchises, concessions or rights. Said board may enter into, and do any acts necessary or proper for the performance of, any agreements with the United States,[2] or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might lawfully be acquired or owned by the irrigation district, and may acquire the right to store water in any reservoirs or to carry water through any canal, ditch or conduit not owned or controlled by the district, and may grant to any owner or lessee of the right to the use of any water the right to store such water in any reservoir of the district or to carry such water through any canal, ditch or conduit of the district. (Stats. 1919, p. 661.)

Irrigation district may sue and be sued.

Bochmer vs. *Big Rock Irr. Dist.*, 117 Cal. 19;
Peters vs. *Union Gap Irr. Dist.* (Wash.), 167 Pac. 1085;
Noon vs. *Gem Irr. District*, 205 Fed. 402.

Power of directors to make contracts:

Board of Directors vs. *Peterson* (Ore.), 128 Pac. 837;
Colburn vs. *Wilson* (Idaho), 130 Pac. 381;
Hansen vs. *Kittitas Dist.* (Wash.), 134 Pac. 1083;
Warm Springs Irr. Dist. vs. *Pacific Live Stock Company* (Ore.), 173 Pac. 265.

"Property necessary" includes pipeline:

Rialto Irr. Dist. vs. *Brandon*, 103 Cal. 384.

SEC. 15*a*. (Repealed Stats. 1919, p. 661, Ch. 339.)

Dams; conveyances.

SEC. 15*b*. The board of directors of any irrigation district may also construct the necessary dams, reservoirs, and works for the collection for said district, and do any and every lawful act necessary to be done, that sufficient water may be furnished to each landowner in said district for irrigation and domestic purposes; *provided*, that where, within irrigation districts mutual water companies have been organized to furnish water to certain specified lands within said districts, the board of directors of such districts are hereby authorized and empowered to contract for the delivery of water for such lands as lie within the boundary of said water companies, through said mutual water companies only. The said board is hereby authorized and empowered to take conveyances, leases, contracts or other assurances for all property acquired by it under the provisions of this act, in the name of such irrigation district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain,

[1]Districts are given authority to acquire the stock of any foreign corporation owning a system in a foreign country by Art. IV, Sec. 31, of the Constitution, page 9 hereof.
[2]Authority to enter into agreements with the United States government under the federal reclamation laws is given by Stats. 1917, p. 243 and p. 781. Supplementary powers are also given by Stats. 1907, p. 569, providing for drainage by districts, and Stats. 1913, p. 75, permitting the employment of agricultural experts by districts.

protect or preserve any and all rights, privileges and immunities created by this act, or acquired in pursuance thereof. And in all courts, actions, suits or proceedings, the said board may sue, appear and defend in person or by attorneys, and in the name of such irrigation district. (Stats. 1917, p. 758.)

Right to contract with mutual water company to deliver water to district sustained under Idaho statute.

Pioneer Irr. Dist. vs. *Stone* (Idaho), 130 Pac. 382.

Rules for use of water.

SEC. 15*c*. It shall be the duty of the board of directors of any irrigation district to establish equitable by-laws, rules and regulations for the distribution and use of water among the owners of said lands, which must be printed in convenient form for distribution in the district. Said board shall have power generally to perform all such acts as shall be necessary to fully carry out the purposes of this act. (Stats. 1917, p. 758.)

General and implied powers:

City of Nampa vs. *Nampa, etc., Dist.* (Idaho), 131 Pac. 8;
Stevens vs. *Melville* (Utah), 175 Pac. 602–4.

Power to make and enforce rules:

Hamp vs. *State* (Wyo.), 118 Pac. 653, 662;
La Mesa Community Ditch vs. *Appelzoeller* (N. Mex.), 140 Pac. 1051.
See also Sec. 18 hereof.

Change election precincts; lease canals.

SEC. 15*d*. The board of directors, when they deem it advisable for the best interests of the district, and the convenience of the electors thereof, may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of the divisions or election precincts of the district or of both; *provided*, such changes shall be made to keep each division as nearly equal in area and population as may be practicable. Such change of boundaries of the divisions and precincts must be shown on the minutes of the board. The board of directors of any irrigation district now or that may hereafter be organized in the state, shall also have the power, and such board is hereby vested with the authority, to lease the system of canals and works in the district, or any part thereof, whenever such leasing may be for the benefit of the district; *provided*, that when the directors of any irrigation district contemplate the leasing of the canals and works of such district, they shall give notice of such contemplation by publishing the same in some newspaper published in the county in which such irrigation district lies, at least three weeks prior to the making of any lease, and such lease shall be made to the highest bidder. But such board shall have the right to reject any and all such bids. Such lease shall in no way interfere with any rights that may have been established by law, at the time such lease is made; *and, further provided*, that the board of directors shall require a good and sufficient bond to secure faithful performance of the lease by the lessees. (Stats. 1917, p. 758.)

Lease or transfer of property:

Byington vs. *Sacramento Valley, etc.*, Co., 170 Cal. 124, 130.

SEC. 15½. (Renumbered as section 15*d* by Stats. 1917, p. 758.)

Condemnation proceedings.

SEC. 16. In case of condemnation proceedings the board shall proceed, in the name of the district, under the provisions of title seven, part three of the Code of Civil Procedure of the State of California, and all pleadings, proceedings, and process in said title provided shall be applicable to the condemnation proceedings hereunder.[1] (Stats. 1917, p. 759.)

Condemnation, procedure:
Warm Springs Irr. Dist. vs. *Pacific Live Stock Co.* (Ore.), 173 Pac. 265.

Power to condemn canals and water rights of irrigation district for more necessary public use, queried:
Colburn vs. *Wilson* (Idaho), 130 Pac. 381.

Showing of necessity:
Rialto Irr. Dist. vs. *Brandon,* 103 Cal. 384.

WATER REGULATIONS.

Water regulations.

SEC. 17. The use of all water required for the irrigation of the lands of any district formed under the provisions of this act, or the act of which this is supplementary or amendatory, and for domestic and other incidental and beneficial uses, within such district,[2] together with the rights of way for canals and ditches,[1] sites for reservoirs, and all other property required in fully carrying out the provisions of this act is hereby declared to be a public use, subject to the regulation and control of the state, in the manner prescribed by law. (Stats. 1911, p. 512.)

Apportionment of water.

SEC. 18. It is hereby expressly provided that all waters distributed for irrigation purposes shall be apportioned ratably to each land owner upon the basis of the ratio which the last assessment of such owner for district purposes within said district bears to the whole sum assessed upon the district; and any land owner may assign the right to the whole or any portion of the waters so apportioned to him; *provided*, that when any rates of toll and charges for the use of water are fixed by the board of directors, as provided in section fifty-five of this act, the water for the use of which such rates of toll and charges have been fixed shall be distributed equitably, as may be provided by the board of directors, among those offering to make the required payment therefor; *and provided, further*, that if an irrigation district has contracted to deliver, and is delivering, water to mutual water companies for distribution to territory served thereby, the water shall be apportioned on such a basis as the board of directors shall find to be just and

[1]For power of district to take immediate possession of right of way in eminent domain proceedings, see Art. I, Sec. 14, of the Constitution, page 9 hereof.
[2]See Art. XIV, Sec. 1, of the Constitution, page 10 hereof, declaring use of water a public use. Also "An act regarding irrigation and declaring the same to be a public use," approved May 1, 1911, Stats. 1911, p. 1407.

equitable and for the best interests of all parties concerned. (Stats. 1919, p. 661.)

Board of Directors vs. *Tregea*, 88 Cal. 334;
Hewitt vs. *S. J. and P. V. Irr. Dist.*, 124 Cal. 186;
Merchants, etc., Bank vs. *Escondido Seminary*, 144 Cal. 329;
Jennison vs. *Redfield*, 149 Cal. 500;
Nelson vs. *Anderson-Cottonwood Irr. Dist.*, 34 C. A. D. 316.
See also Sec. 15c hereof.

GENERAL ELECTIONS.

Irrigation district officers to be elected.

SEC. 19. An election, which shall be known as the general irrigation district election, shall be held in each irrigation district on the first Wednesday in February in each odd-numbered year, at which a successor shall be chosen to each officer whose term shall expire in March next thereafter. The person receiving the highest number of votes for each office to be filled at such election shall be elected thereto. The elective officers of an irrigation district shall be as many directors as there are divisions in the district, and an assessor, a collector and a treasurer; *provided,* that if any two or more offices shall have been consolidated as provided in section seven or section twenty-seven hereof, only one person shall be elected to fill such consolidated offices. the term of office of each elective officer of an irrigation district elected at or after the general irrigation district election in one thousand nine hundred nineteen shall be four years, or until his successor is elected and has qualified. (Stats. 1917, p. 759.)

Official bonds.

SEC. 19*a*. Within ten days after receiving their certificates of election hereinafter provided for, said officers shall take and subscribe the official oath, and file the same in the office of the board of directors, and execute the bond hereinafter provided for. The assessor shall execute an official bond in the sum of five thousand dollars, and the collector an official bond in the sum of twenty thousand dollars, and the district treasurer an official bond in the sum of fifty thousand dollars; each of said bonds to be approved by the board of directors; *provided,* that the board of directors may, if it shall be deemed advisable, fix the bonds of the treasurer and collector, respectively, to suit the conditions of the district, the maximum amount of the treasurer's bond not to exceed fifty thousand dollars, and the minimum amount thereof not to be less than ten thousand dollars; and the maximum amount of the collector's bond not to exceed twenty thousand dollars, and the minimum amount of the collector's bond not to be less than five thousand dollars. Each member of said board of directors shall execute an official bond in the sum of five thousand dollars, which said bonds shall be approved by the judge of the superior court of said county where such organization was effected, and shall be recorded in the office of the county recorder thereof, and filed with the secretary of said board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers and the premiums thereon may be paid by the district; *provided,* that in case any district organized under this title is appointed fiscal agent of the

United States or by the United States in connection with any federal reclamation project, each of said officers shall execute a further and additional official bond in such sum as the secretary of the interior may require, conditioned for the faithful discharge of the duties of his office and the faithful discharge by the district of its duties as fiscal or other agent of the United States under any such appointment or authorization, and any such bond may be sued upon by the United States or any person injured by the failure of such officer or the district to fully, promptly and completely perform their respective duties. (Stats. 1917, p. 760.)

Form and condition of official bond:
Political Code, sections 954, 958.

Vacancy created by failure of officer to qualify:
Political Code, section 996, subdivision 9.

If election be not held.

SEC. 19*b*. If an election is not held as herein provided, then upon the filing of a petition with the secretary of the board of directors of such district, signed by ten per cent of the electors residing within the boundaries of any such irrigation district, requesting that a special election be called for the election of such officers, the directors of such district shall thereupon call a special election thereof for the election of such officers, such election to be held within not less than fifteen, nor more than thirty days after the filing of such petition. (Stats. 1917, p. 760.)

Beginning of term; organization of board.

SEC. 20. At noon of the first Tuesday in March next following their election, except as provided in section fourteen of this act, the officers who shall have been elected at the preceding general irrigation district election shall enter upon the duties of their respective offices. On the first Tuesday in March next following each election, the directors shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board. (Stats. 1917, p. 761.)

Notice of elections; election officers.

SEC. 21. Fifteen days before any election held under this act, subsequent to the organization of any district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a general notice of the same in the office of said board, which shall be established and kept at some fixed place, to be determined by said board, specifying the polling places of each precinct. Prior to the time for posting the notices, the board must appoint for each precinct, from the electors thereof, one inspector, two judges and two clerks, or at their option one inspector, one judge and one clerk, who shall in either case constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour, may appoint the board,

or supply the place of an absent member thereof. The board of directors, must, in its order appointing the board of election, designate the house or place within the precinct where the election must be held (Stats. 1921, p. 860.)

Powers and duties of election officers.

SEC. 22. The inspector is chairman of the election board and may administer all oaths required in the process of an election; and appoint judges and clerks, if, during the progress of the election, any judge or clerk cease to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of an election. Before opening the polls, each member of the board must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any electors of the precinct may administer and certify such oath. The polls must be opened at six a. m. on the morning of the election, and be kept open until seven p. m., when the same must be closed; *provided, however,* the board of directors may in the notice of election as provided in section twenty-one of this act provide that the polls shall be open from eight a. m. to four p. m., at which times the polls shall be opened and closed respectively. (Stats. 1921, p. 860.)

Opening and closing polls:

Board of Directors vs. *Abila*, 106 Cal. 365.

Ballots; manner of voting.

SEC. 22*a*. The ballot used at the election shall be provided by the board of directors, and one of the clerks of election shall deliver, to each of the electors, one of the ballots so provided. The ballots shall have printed on them the names of all candidates whose names have been filed as provided in this act, with a voting square behind each name. The names shall be arranged in groups, alphabetically, under the designation of the office for which each person named is a candidate. Where more than one person is to be elected for an office of the same title, the words "Vote for —— (inserting the proper number)" shall be printed under the title of the office. Each elector shall stamp a cross, with a rubber stamp to be provided by the board of directors, in the square behind the name of each candidate he wishes to vote for. (Stats. 1909, p. 1062.)

Form of ballot:

Political Code, section 1197, subdivision 8;
Edes vs. *Haley* (Wash.), 162 Pac. 50.

Nominating petitions.

SEC. 22*b*. Not less than ten days before the election, any ten or more electors in the district may file with the board of directors a petition, requesting that certain persons, specified in such petition be placed on the ballot as candidates for the office named in the petition. The names proposed by the various petitions so filed, and no others, shall be printed on the ballots. But there shall be sufficient blank spaces left in which electors may write other names if they so desire. The petitions shall be preserved in the office of the secretary of the district. (Stats. 1909, p. 1063.)

Voting and counting of votes.

SEC. 23. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened, and shall be conducted, as nearly as practicable, in accordance with the provisions of the general election laws of this state. As soon as all the votes are counted, a certificate shall be drawn upon each of the papers containing the poll lists and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerk, judge, and the inspector. One of said certificates, with the poll list and the tally paper to which it is attached, shall be retained by the inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the inspector, during the counting thereof, in the order in which they are entered upon the tally list by the clerks; and said ballots together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector in the presence of the judges and clerks, and indorsed "Election returns of (naming the precinct) precinct," and be directed to the secretary of the board of directors, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months; and if any person be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

Right of contest of election of officers elected at irrigation district election:
Hertle vs. *Ball* (Idaho), 72 Pac. 953.
(See, also, Sec. 72, *infra*.)

Canvass of votes.

SEC. 24. No list, tally paper, or certificate returned from any election, shall be set aside or rejected for want of form, if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting on the first Monday after each election to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and estimating the vote of the district for each person voted for, and declaring the result thereof.

Canvassing returns and declaring result:
Board of Directors vs. *Abila*, 106 Cal. 365;
Edes vs. *Haley* (Wash.), 162 Pac. 50.

Statement of results; vacancies, how filled.

SEC. 25. The secretary of the board of directors must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement must show: (*a*) The whole number of votes cast in the district, and in each division of the district; (*b*) the names of the persons voted for; (*c*) the office to fill which each person was voted for; (*d*) the number of votes given in each precinct to each of such persons; (*e*) the number of votes given in each division for the office of director, and the number of votes given in the district for the offices of assessor, collector, and treasurer. The board of directors must declare elected the persons having the highest number of votes given for each office. The secretary must immediately make out and deliver to such person a certificate of election, signed by him, and authenticated with the seal of the board.

In case of a vacancy in the office of assessor, collector, or treasurer, the vacancy shall be filled by appointment of the board of directors; *provided,* that if said board of directors shall neglect or refuse to make such appointment within a period of forty days, then the board of supervisors of the county wherein the office of said board of directors is situated shall make such appointment. In case of a vacancy in the office of director, the vacancy shall be filled by appointment by the board of supervisors of the county where the office of such board of directors is situated, from the division in which the vacancy occurred. An officer appointed as above provided shall hold his office until the next regular election for said district, and until his successor is elected and qualified.

Quinton vs. *Equitable Investment Co.*, 196 Fed. 314.

Qualification of director.

SEC. 26. A director shall be a resident and freeholder of the irrigation district and a resident of the division which he is elected to represent. (Stats. 1917, p. 761.)

The acts of an officer, though not qualified for want of residence within the district, will be regarded as valid acts of an officer *de facto.*

Baxter vs. *Vineland Irr. Dist.*, 136 Cal. 185, 193.

Consolidation of offices.

SEC. 27. The board of directors may, in its discretion, consolidate any two or more of the offices of assessor, collector, and treasurer. The order of consolidation must be made at least thirty days prior to general election of the district, and shall take effect at the next succeeding election; *provided,* that the board of directors may, at least thirty days before a general election of the district, where the offices have been consolidated, segregate the same, each office to be filled at such election.

Number of directors.

SEC. 28. In any district the board of directors thereof must upon a presentation of the petition therefor, by a majority of the holders of title, or evidence of title, of said district, evidenced as above provided, order that on and after the next ensuing general election for the district, there shall be either three or five directors. (Stats. 1917, p. 761.)

Recall of officers.

*SEC. 28½. The holder of any elective office of any irrigation district may be removed or recalled at any time by the electors; *provided*, he has held his office at least six months. The provisions of this section are intended to apply to officials now in office, as well as to those hereafter elected. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the secretary of the board of directors of such district, which petition shall be signed by registered voters equal in number to at least twenty-five per cent of the highest vote cast within such district for candidates for the office, the incumbent of which is sought to be removed, at the last general election in such district at which an incumbent of such office was elected, or, in the case of the removal of the incumbent of an office elected by a subdivision of such district, such petition shall be signed by a like percentage of qualified electors of such subdivision computed upon the total number of votes cast in such subdivision for all candidates for the office, the incumbent of which is sought to be removed, at the last general election in such subdivision at which an incumbent of such office was elected; and said petition shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficieney of form or substance in such statement shall in nowise affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the precinct, and if within a town having named streets and numbered houses, street and number. Each such separate paper shall have attached thereto an affidavit made by an elector of the district and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed and of a qualified elector of the district. Within ten days from the date of filing such petition, the secretary of the board shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination. If by the said certificate the petition is shown to be insufficient, it may be supplemented within ten days from the date of such certificate, by the filing of additional papers, duplicates of the original petition except as to the names signed. The secretary shall, within ten days after such supplementing papers are filed, make like examination of a supplementing petition, and if a certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect. If the petition shall be found to be sufficient, the secretary shall submit the same to the board of directors

*Removal for cause, see section 73, *infra*.

without delay, whereupon the board shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer; *provided,* that if a general election is to occur within sixty days, from the date of the order calling for such election, the board may in its discretion postpone the holding of such election to such general election or submit such recall election at any such general election for officers of such district occurring not less than thirty-five days after such order. If a vacancy occur in said office after a recall petition is filed, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose a removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials. Nominations for any office under such recall election shall be made in the manner prescribed by section twenty-two *b* of this act.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (×) his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No," said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The election shall be conducted, canvass of all votes for candidates for said office shall be made and the result declared in like manner as in a regular election within such district. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law. If the vote at any such recall election shall not recall the officer, no further petition for the recall of such officer shall be filed before the expiration of six months from the date of such first recall election. (Stats. 1911, Extra Session, p. 135.)

This section is constitutional.

Wigley vs. *South San Joaquin Irr. Dist.*, 31 Cal. App. 162, 159 Pac. 985.

TITLE TO PROPERTY.

Title to property vests in district.

SEC. 29. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in such irrigation district, and shall be held by such district, in trust for, and is hereby dedicated and set apart to the uses and purposes set forth in this act. And said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided. The board of directors may determine by resolution duly entered upon their minutes that any property, real or personal, held by such irrigation district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell such property; and a conveyance of any property held by an irrigation district, executed by the president and secretary thereof, in accordance with a resolution of the board of directors of such district, when sold for a valuable consideration, shall convey good title to the property so conveyed. (Stats. 1909, p. 1075.)

Hewitt vs. *S. J. and P. V. Irr. Dist.*, 124 Cal. 186;
Merchants Bank vs. *Escondido Seminary*, 144 Cal. 329;
Jennison vs. *Redfield*, 149 Cal. 500;
Tulare Irr. Dist. vs. *Collins*, 154 Cal. 440.

ISSUANCE OF BONDS.

Estimate of money needed for improvements.

SEC. 30. For the purpose of constructing or purchasing necessary irrigation canals and works, and acquiring the necessary property and rights therefor, and for the purpose of acquiring waters, water rights, reservoirs, reservoir sites, and other property necessary for the purposes of said district, and otherwise carrying out the provisions of this act, or any other act under which said district is or may be authorized to acquire property or construct works, the board of directors of any such district must, as soon after such district has been organized as may be practicable, and also whenever thereafter the board of directors shall find that the construction fund raised by the last previous bond issue is insufficient, or that the construction fund has been exhausted by expenditures herein authorized therefrom and it is necessary to raise additional money for said purposes, estimate and determine the amount of money necessary to be raised. For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, said board shall cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate. Said surveys, examinations, drawings and plans, and the estimate based thereon may provide that the works necessary for a completed project shall be constructed progressively during a period of years. In the estimate of the amount of money necessary to be raised by the first issue of bonds in any district, the board of directors may include a sum sufficient to pay the interest on all of such bonds for three years or less. All such surveys, examinations, drawings and plans shall be made under

the direction of a competent irrigation engineer and shall be certified by him. (Stats. 1919, p. 662.)

Purposes for which bonds may be issued:

Hughson vs. *Crane*, 115 Cal. 404;
Stimson vs. *Alessandro Dist.*, 135 Cal. 389;
Leeman vs. *Perris Irr. Dist.*, 140 Cal. 540;
Hooker vs. *East Riverside Dist.*, 38 Cal. App. 615;
Stowell vs. *Rialto Irr. Dist.*, 155 Cal. 215.
(See Sec. 61*b*, *infra*.)

Plans and estimate:

Board of Directors vs. *Tregea*, 88 Cal. 334;
Cullen vs. *Glendora Water Co.*, 113 Cal. 503;
Hughson vs. *Crane*, 115 Cal. 404;
Hanson vs. *Kittitas Dist.* (Wash.), 134 Pac. 1083;
Board of Directors vs. *Scott* (Wash.), 140 Pac. 391.

Report submitted to irrigation district bond commission.

SEC. 30*a*. The board of directors shall then submit a copy of the said estimate and the said engineer's report to the commission authorized by law to approve bonds of irrigation districts for certification as legal investments for savings banks and for the other purposes specified in the act creating said commission.[1] Said commission shall forthwith examine said report and any data in its possession or in the possession of said district and shall make such additional surveys and examinations at the expense of the district as it may deem proper or practicable, and as soon as practicable thereafter shall make to the board of directors of said district a report which shall contain such matters as, in the judgment of the said commission may be desirable; *provided*, that it may state generally the conclusions of said commission regarding the supply of water available for the project, the nature of the soil proposed to be irrigated as to its fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation and the probable need of drainage, the cost of works, water rights and other property necessary for a complete and satisfactory project, the proper dates of maturity for the bonds proposed to be issued and whether in its opinion it is advisable to proceed with the proposed bond issue. If the estimate of the amount of said bond issue shall have included any amount for the payment of interest on the bonds of such issue, as provided in section thirty of this act, and such estimate for the payment of interest, or any part thereof, is approved by the commission in said report, it shall be lawful for the board of directors, if the issuance of such bonds is thereafter authorized by vote of the electors of the district, to use for the payment of interest on any bonds of such issue so much of the proceeds of the sale of said bonds as may have been approved for that purpose in said report of the commission. (Stats. 1919, p. 662.)

Order determining amount of bonds.

SEC. 30*b*. If after such examination and investigation the said commission shall deem it advisable that the said plans be modified or that the amount of the bonds proposed to be issued be changed, or that certain conditions should be prescribed to insure the success of the project, or that in its opinion it is not advisable to proceed with the proposed bond issue, it shall so state in its report to the board of directors. After receiving said report, or if no report is received within

[1]See p. 75 hereof.

ninety days after the submission of said estimate and engineer's report to said commission, said board of directors, if it shall determine and shall declare by resolution that the proposed plan of works or some modified plan recommended by said commission is satisfactory and that the said project or said modified plan is feasible, shall make an order determining the amount of bonds that should be issued in order to raise the money necessary therefor, and in determining said amount sufficient shall be included to cover the estimated cost of inspection of works in course of construction, as provided for by law; *provided,* that if any district shall issue bonds to carry out any plans approved by said commission as herein provided it shall be unlawful for said district to make any material change in said plans thereafter without the consent of said commission. (Stats. 1921, p. 1108.)

Special election.

SEC. 30*c*. After the making of the order specified in section thirty *b* of this act said board of directors may call a special election, at which shall be submitted to the electors of such district possessing the qualifications prescribed by this act, the question whether or not the bonds of said district in the amount determined in said order of said board shall be issued, and said board must call such an election and submit said question upon receipt of a petition signed by a majority of the holders of title or evidence of title to lands within the district, representing, also, a majority in value of said lands, or by at least five hundred petitioners, each petitioner to the number of at least five hundred to be an elector residing within the district or a holder of title or evidence of title to lands therein, provided that said petitioners shall include the holders of title or evidence of title to not less than twenty per cent in value of said lands. In determining the value of any lands within an irrigation district and the holders of title or evidence of title to such lands for the purpose of determining the sufficiency of any petition required by this act after the organization of the district, the assessment roll of the district last equalized at the time of the presentation of such petition shall be conclusive evidence, but if no assessment roll of the district has theretofore been equalized, then the county assessment roll of the county within which any lands within the district is situated, which county assessment roll has been last equalized at the time of the presentation of such petition, shall be conclusive evidence of such facts for such land. (Stats. 1919, p. 664.)

Who may sign petition:

Matter of Bonds of South San Joaquin Irr. District, 161 Cal. 345.

Election:

Board of Directors vs. *Abila,* 106 Cal. 365.

Notice of election.

SEC. 30*d*. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the

election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; *provided*, that no informalities in conducting such an election shall invalidate the same if the election shall have been otherwise fairly conducted. (Stats. 1917, p. 762.)

Questions on ballot; two-thirds vote.

SEC. 30*c*. At said election questions as to the issuance of bonds may be submitted separately on the same ballot if estimates of the cost of the respective projects have been made and the irrigation district bond commission has reported thereon and the respective propositions have been stated in the notices of the election. At such election the ballots shall contain a general statement of the proposition or propositions to be voted on, including the amount of bonds proposed to be issued for each purpose, but no informality in such statement shall vitiate the election. Each proposition shall be followed by the words "Yes" and "No," on separate lines, with a small inclosed space after each of said words. The electors shall vote for or against any proposition by stamping a cross (×) in the voting space after the word "Yes" or "No" respectively. On the ballot shall be printed the following under the heading "Instructions to voters": "To vote for a proposition, stamp a cross (×) in the voting space after the word 'Yes' following the proposition. To vote against a proposition, stamp a cross (×) in the voting space after the word 'No' following the proposition." If two-thirds of the votes cast for and against any proposition are for "Yes," the board of directors shall cause bonds in the amount specified in such proposition to be issued; *provided*, that if said election shall have been called after the presentation of a petition therefor as provided in section thirty *c* of this act, the board of directors shall cause bonds in the amount specified in any proposition to be issued if a majority of the votes cast for and against said proposition are for "Yes." If the number of votes for any proposition is less than the number required herein to authorize the issuance of the bonds provided for therein, the result of the vote on said proposition shall be entered of record, but said proposition may be again submitted to the electors of the district at a special election upon the presentation to the board of directors of a petition therefor signed as provided in section thirty *c* of this act. (Stats. 1919, p. 664.)

Sec. 18 of Art. XI of state Constitution inapplicable:
In re Madera Dist., 92 Cal. 296.

Life of bonds; interest; denominations.

SEC. 31. Subject to the provisions of this act, the board of directors shall prescribe the form of the bonds issued by the district and of the interest coupons to be attached thereto. An issue of bonds is hereby defined to be all the bonds issued in accordance with a proposal approved by the electors of the district. Each issue of the bonds of a district shall be numbered consecutively as authorized, and the bonds of each issue shall be numbered consecutively. The board of directors shall fix the date of said bonds, or may divide any issue into two or

more divisions and fix different dates for the bonds of each respective division. The date of any bond must be subsequent to the election at which its issuance was authorized and prior to its delivery to a purchaser from the district. The date of issue of any bond authorized under this act or heretofore or hereafter issued in pursuance of this act shall be deemed to be the apparent date of the said bond appearing on the face thereof. Each bond shall be signed by the president and secretary of the board of directors of the district, who may be in office at the date of said bond or at any time thereafter prior to the delivery of said bond to the purchaser thereof from the district, and the seal of the district shall be impressed on each bond. The interest coupons shall also bear the signature of the secretary of the board of directors or a facsimile of such signature. The board of directors shall fix the denominations of said bonds, which shall not be less than one hundred dollars nor more than one thousand dollars. Said bonds shall bear interest at a rate to be fixed by the board of directors, but the rate shall not exceed six per centum per annum. The interest shall be payable on the first day of January and the first day of July of each year. The board of directors shall also designate the place or places at which said bonds or any of them and the interest thereon shall be payable.[1] Each issue or each division of any issue of said bonds shall be payable in gold coin of the United States in twenty series as follows, to wit: at the expiration of twenty-one years from the date of any issue or any division of any issue of said bonds, two per centum of the whole amount of such issue or division; at the expiration of twenty-two years from said date, two per centum of the whole amount of such issue or division; at the expiration of twenty-three years from said date, three per centum of the whole amount of such issue or division; at the expiration of twenty-four years from said date, three per centum of the whole amount of such issue or division; at the expiration of twenty-five years from said date, four per centum of the whole amount of such issue or division; at the expiration of twenty-six years from said date, four per centum of the whole amount of such issue or division; at the expiration of twenty-seven years from said date, four per centum of the whole amount of such issue or division; at the expiration of twenty-eight years from said date, four per centum of the whole amount of such issue or division; at the expiration of twenty-nine years from said date, five per centum of the whole amount of such issue or division; at the expiration of thirty years from said date, five per centum of the whole amount of such issue or division; at the expiration of thirty-one years from said date, five per centum of the whole amount of such issue or division; at the expiration of thirty-two years from said date, five per centum of the whole amount of such issue or division; at the expiration of thirty-three years from said date, six per centum of the whole amount of such issue or division; at the expiration of thirty-four years from said date, six per centum of the whole amount of such issue or division; at the expiration of thirty-five years from said date, six per centum of the whole amount of such issue or division; at the expiration of thirty-six years from said date, six per centum of the whole amount of such issue or division; at the expiration of thirty-seven years from said date,

[1]Art. XI, Sec. 13½, of the Constitution, authorizes the payment of bonds and interest in any place within or outside of the United States. See page 10 hereof.

seven per centum of the whole amount of such issue or division; at the expiration of thirty-eight years from said date, seven per centum of the whole amount of such issue or division; at the expiration of thirty-nine years from said date, eight per centum of the whole amount of such issue or division; at the expiration of forty years from said date, eight per centum of the whole amount of such issue or division; *provided*, that if any bonds are not dated on the first day of January or the first day of July, they shall nevertheless be made payable on the first day of January or the first day of July next preceding the date on which they would become payable according to the foregoing schedule. Bonds of any issue may be made payable at the ends of other periods than are specified herein and the number of series may be more or less than twenty if the number of series and the length of the respective periods at the ends of which the respective amounts of bonds shall be made payable have been specified in the notice of the election at which the issuance of such bonds was authorized, or on the recommendation of the irrigation district bond commission, but in any event the bonds shall all be made payable on the first day of January or the first day of July next preceding the ends of the respective periods specified, unless said bonds are dated on the first day of January or the first day of July, and in no case shall the maturity of any bond be more than forty years from the date thereof, nor shall more than eight per centum of the total amount of any issue or division be made payable in any one year if the number of series is made more than twenty. Each bond shall be made payable at a given time for its full face value and not for a percentage thereof. (Stats. 1919, p. 665.)

Date of maturity of bonds and time of payment of interest:
Central Irr. Dist. vs. *DeLappe*, 79 Cal. 351;
Stowell vs. *Rialto Irr. Dist.*, 155 Cal. 215;
Board of Directors vs. *Peterson* (Ore.), 128 Pac. 837.

Date of issue, signature of secretary, etc.:
Wright vs. *East Riverside District*, 138 Fed. 313;
Hooker vs. *East Riverside District*, 38 Cal. App. 615.

Negotiability of bonds:
Farwell vs. *S. J. and P. V. Irr. Dist.* (Cal. App.), 192 Pac. 1034.

Redemption of bonds:
See section 52, page 50 hereof.

Taxpayer's suit:
Sechrist vs. *Rialto Irr. Dist.*, 129 Cal. 640;
Henry vs. *Vineland Irr. Dist.*, 140 Cal. 376.
See also section 69.

Validity of bonds in hands of bona fide holders:
Stimson vs. *Alessandro Dist.*, 135 Cal. 389;
Baxter vs. *Vineland Dist.*, 136 Cal. 185;
Haese vs. *Heitzeg*, 159 Cal. 569;
Ham vs. *Grapeland Dist.*, 172 Cal. 611;
Tulare Dist. vs. *Shepard*, 185 U. S. 1.

Sale of bonds.

SEC. 32. The board may sell said bonds from time to time in such quantities as may be necessary and most advantageous to raise money for the construction of said canals and works, the acquisition of said property and rights, or the acquisition of any water or water rights, and otherwise to fully carry out the objects and purposes of this act. Before making any sale the board shall, at a meeting, by resolution,

declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given, by publication thereof at least three weeks in some newspaper published in the county where the office of the board of directors is located and in any other newspaper at its discretion. The notice shall state that sealed proposals will be received by the board at their office, for the purchase of bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals and award the purchase of the bonds or any portion or portions thereof to the highest responsible bidder or bidders; *provided, however,* that they may reject any or all bids; *and provided, further,* that no proposal shall be accepted which is not accompanied by a certified check for such reasonable percentage of the amount of the bid as shall be determined by the board of directors, but in no event less than two per cent of the amount thereof to apply on the purchase price of the bonds, the amount of which check shall be forfeited if after the acceptance of the proposal the bidder shall refuse to accept said bonds and complete his purchase thereof on the conditions stated in his proposal. In case no award is made, the board thereafter may either readvertise said bonds or any part thereof for sale or sell the same or any part thereof at private sale but no sale of said bonds at private sale shall be valid unless approved by the California bond certification commission. (Stats. 1921, p. 1108.)

Leeman vs. *Perris Dist.*, 140 Cal. 540;
Stimson vs. *Allesandro Irr. Dist.*, 135 Cal. 389;
Kinkade vs. *Witherop* (Wash.), 69 Pac. 399;
Wyman vs. *Searle* (Nebr.), 128 N. W. 801.

SEC. 32*a*. (Repealed by Stats. 1919, p. 667.)

Election on sale of bonds for less than par.

SEC. 32½. If any irrigation district bonds have been authorized before the time when this section shall go into effect but have not been sold and the board of directors of said district deems it desirable that said board be authorized to sell said bonds for less than the par value thereof, said board may call a special election to submit to the voters of the district said proposition. Such election shall be held and notice thereof shall be given in the same manner as is provided in the case of special elections to authorize the issuance of bonds in irrigation districts. The proposition shall be stated in substantially the following form: "Shall the board of directors of _____ (insert the name) irrigation district be authorized to sell bonds of the district for less than the par value thereof?" followed by the words "Yes" and "No," as provided in section thirty hereof. If at least two-thirds of the legal votes cast at such election are for "Yes," then the board of directors may sell any bonds authorized by said district before this section shall take effect to the highest responsible bidder. (Stats. 1913, p. 1000.)

Paid by annual assessment.

SEC. 33. Said bonds and the interest thereon shall be paid from revenue derived from an annual assessment upon the land within the district; and all the land within the district shall be and remain liable

to be assessed for such payments as hereinafter provided. (Stats. 1917, p. 764.)

Procedure for enforcement of lien:

Nevada National Bank vs. *Poso Irr. Dist.*, 140 Cal. 344;
Boskowitz vs. *Thompson*, 144 Cal. 724;
Herring vs. *Modesto District*, 95 Fed. 705;
Perkins vs. *People* (Colo.), 147 Pac. 356;
Henrylyn Irr. Dist. vs. *Thomas* (Colo.), 173 Pac. 541;
Henrylyn Irr. Dist. vs. *Thomas* (Colo.), 181 Pac. 979, 980;
Rialto Irr. Dist. vs. *Stowell*, 246 Fed. 294;
Norris vs. *Montezuma Irr. Dist.*, 248 Fed. 369;
Gas Securities Co. vs. *Antero and Lost Park Reservoir Co.*, 259 Fed. 423.

Suit by bondholders to enforce payment:

Quinton vs. *Equitable Investment Co.*, 196 Fed. 314.

ASSESSMENT FOR COMPLETION OF WORKS.

Assessment to complete works; notice of election; ballots.

SEC. 34. In case the money raised by the sale of bonds issued be insufficient, or in case the bonds be unavailable for the completion of the plan of canal and works adopted, and the acquisition of the necessary property, waters and water rights therefor, and additional bonds be not voted, it shall be the duty of the board of directors to provide for the completion of said plan, and the acquisition of such necessary property, waters and water rights, by levy of assessments therefor; *provided, however,* that such levy of assessments shall not be made except first an estimate of the amount required for such purposes has been made by said board, and the question as to the making of said levy submitted to a vote of the electors of the district. Before such question is submitted the order of submission shall be entered in the minutes of the board, stating the amount to be levied and the purpose therefor, and if submitted at a special election said order shall, in addition, fix the day of election. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept once a week for at least three successive weeks. Such notices must specify the time of holding the election, and the amount of assessment proposed to be levied. Said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers; *provided,* that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Assessment—Yes", or "Assessment—No", or words equivalent thereto. If a majority of the votes cast are "Assessment—Yes", the board of directors shall cause an assessment in the amount named in the order of submission to be levied; if a majority of the votes cast are "Assessment—No", the result of such election shall be so declared and entered of record. (Stats. 1911, p. 514.)

Cooper vs. *Miller*, 113 Cal. 238;
Matter of Bonds of South San Joaquin Dist., 161 Cal. 345;
Imperial Land Co. vs. *Imperial Dist.*, 173 Cal. 668;
Corson vs. *Crocker*, 31 Cal. App. 626.
Buschman vs. *Turlock Irr. Dist.* (Cal. App.), 190 Pac. 491.

DUTIES OF THE ASSESSOR.

Duty of assessor; improvements exempt.

SEC. 35. The assessor must, between the first Monday in March and the first Monday in June, in each year, assess all real estate in the district, to the persons who own, claim or have possession or control thereof, at its full cash value, as follows: He must prepare an assessment book[1] with appropriate headings, in which must be listed all such property within the district, in which must be specified, in separate columns, under the appropriate head: (1) the name of the person to whom the property is assessed, if the name is not known to the assessor, the property shall be assessed to "unknown owners"; (2) land by township, range, section or fractional section, and when such land is not congressional division or subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres and locality; (3) city and town lots, naming the city or town and the number and block, according to the system of numbering in such city or town; (4) the cash value of real estate, other than city or town lots; (5) the cash value of city and town lots; (6) the total value of all property assessed; (7) the total value of all property after equalization by the board of directors; (8) such other things as the board of directors may require. Improvements on any lands or town lots within such districts shall be exempt from taxation for any of the purposes mentioned in this act. Any property which may have escaped the payment of any assessment for any year, shall, in addition to the assessment for the then current year, be assessed for such year with the same effect and with the same penalties as are provided for in such current year. The term improvements as used in this section includes trees, vines, alfalfa and all growing crops and all buildings and structures of whatever class or description erected or being erected upon said lands or city or town lots. (Stats. 1917, p. 764.)

Cooper vs. *Miller*, 113 Cal. 238;
Escondido H. S. Dist. vs. *Escondido Seminary*, 130 Cal. 128;
Best vs. *Wohlford*, 144 Cal. 733;
W. U. Tel. Co. vs. *Modesto Irr. Dist.*, 149 Cal. 662;
Best vs. *Wohlford*, 153 Cal. 17;
Imperial Land Co. vs. *Imperial Irr. Dist.*, 173 Cal. 668;
Corson vs. *Crocker*, 31 Cal. App. 626;
Bruschi vs. *Cooper*, 30 Cal. App. 682.

Assessor's deputies.

SEC. 36. The board of directors must allow the assessor as many deputies, to be appointed by him, as will, in the judgment of the board, enable him to complete the assessment within the time herein prescribed. The board must fix the compensation of such deputies, which shall be paid out of the treasury of the district. The compensation must not exceed five dollars per day for each deputy, for the time actually engaged, nor must any allowance be made but for work done between the first Monday in March and the first Monday in August in each year.

Time for completion of assessment book; time for equalizing assessments.

SEC. 37. On or before the first Monday in August in each year, the assessor must complete his assessment book, and deliver it to the secre-

[1]Pol. C., Sec. 3653, provides that, upon written request, the county assessor must furnish the district with a certified copy of the assessment book, so far as it pertains to property within the district.

tary of the board, who must immediately give notice thereof, and of the time the board of directors, acting as a board of equalization, will meet to equalize assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for the meeting shall not be less than twenty nor more than thirty days from the first publication of the notice; and in the meantime the assessment book must remain in the office of the secretary for the inspection of all persons interested.

Lahman vs. *Hatch*, 124 Cal. 1.

EQUALIZATION OF ASSESSMENT.

Hearings on objections to assessments.

SEC. 38. Upon the day specified in the notice required by the preceding section for the meeting, the board of directors, which is hereby constituted a board of equalization for that purpose, shall meet and continue in session from time to time, as long as may be necessary, not to exceed ten days, exclusive of Sundays, to hear and determine such objections to the valuation and assessment as may come before them; and the board may change the valuation as may be just. The secretary of the board shall be present during its sessions, and note all changes made in the valuation of property, and in the names of the persons whose property is assessed; and within ten days after the close of the session he shall have the total values, as finally equalized by the board, extended into columns and added.

Lahman vs. *Hatch*, 124 Cal. 1.
Imperial Land Co. vs. *Imperial Irr. Dist.*, 173 Cal. 668.

LEVY AND COLLECTION OF TAXES.

Assessment for interest, principal, rentals, etc.

SEC. 39. The board of directors shall then, within fifteen days after the close of its session as a board of equalization, levy an assessment upon the lands within the district in an amount sufficient to raise the interest due or that will become due on all outstanding bonds of the district on the first day of the next ensuing January and the first day of the next ensuing July, or that the board of directors believes will become due on either or both of said dates, on bonds authorized but not sold; also sufficient to pay the principal of all bonds of the district that have matured or that will mature before the close of the next ensuing calendar year; also sufficient to pay in full all sums due or that will become due from the district before the time for levying the next annual assessment, on account of rentals, or charges for lands, water or water rights acquired by said district under lease or contract; also sufficient to pay in full all sums due or that will become due from the district, before the time for levying the next annual assessment, on account of contracts entered into by the district for power or fuel used or to be used for the pumping of water for the irrigation of land within the district; *provided*, the payment of the cost of such power or fuel has not been provided for by the levying of tolls or charges for the use of water or otherwise; also sufficient to pay in full the amount of all unpaid warrants of the district issued in accordance with this act and the amount of any other contracts or obligation of the district

which shall have been reduced to judgment; also sufficient to raise such amount not exceeding two per centum of the aggregate value of the lands within the district according to the latest duly equalized assessment roll thereof, as the board of directors shall determine may be needed to be raised by assessment for any of the purposes of this act. (Stats. 1919, p. 472.)

Cooper vs. *Miller*, 113 Cal. 238;
Hughson vs. *Crane*, 115 Cal. 404;
Lahman vs. *Hatch*, 124 Cal. 1;
Escondido H. S. Dist. vs. *Escondido Seminary*, 130 Cal. 128;
Baxter vs. *Vineland Irr. Dist.*, 136 Cal. 185;
Boskowitz vs. *Thompson*, 144 Cal. 724;
Nevada National Bank vs. *Poso Dist.*, 149 Cal. 662;
Matter of Bonds of South San Joaquin Dist., 161 Cal. 345;
Imperial Land Co. vs. *Imperial Dist.*, 173 Cal. 660;
Hewel vs. *Hogan*, 3 Cal. App. 248;
Nevada National Bank vs. *Supervisors*, 5 Cal. App. 638;
Corson vs. Crocker, 31 Cal. App. 626;
Buschman vs. *Turlock Irr. Dist.* (Cal. App.), 190 Pac. 491;
Board of Supervisors vs. *Thompson*, 122 Fed. 860;
Marra vs. *S. J. and P. V. Irr. Dist.*, 131 Fed. 780;
Eberhard vs. *Canon* (Colo.), 157 Pac. 189;
Rio Grande, etc., Co. vs. *Orchard Mesa District* (Colo.), 171 Pac. 367.

Assessments on *ad valorem* basis constitutional:
In re Madera Irr. Dist., 92 Cal. 296.

Payment under protest:
Decker vs. *Perry*, 4 Cal. Unrep. 488.

"Outstanding bonds" defined.
Board of Directors vs. *Tregea*, 88 Cal. 334, 356.

Duty of secretary.

SEC. 39*a*. The secretary of the board must compute and enter in a separate column of the assessment book the respective sums in dollars and cents to be paid as an assessment on the property therein enumerated. When collected, the assessment shall be paid into the district treasury and be apportioned to the several proper funds. (Stats. 1917, p. 765.)

McDonough vs. *Cooper*, 179 Cal. 384.

Neglect to make assessment.

SEC. 39*b*. If as the result of the neglect or refusal of the board of directors to cause such assessment and levies to be made as in this act provided, then the duly equalized assessment made by the county assessor of the county or each of the respective counties in which the district is situated shall be the basis of assessment for the district, and the board of supervisors of the county in which the office of the board of directors of said district is situated shall cause an assessment roll of said district to be prepared, and shall make the levy required by this act, in the same manner and with like effect as if the same had been made by said board of directors and all expenses incident thereto shall be borne by such district and may be collected by suit at law, which shall be commenced by the district attorney of the county whose board of supervisors caused said assessment roll to be prepared, unless the amount of such expenses shall be paid within sixty days from the time when proper demand shall have been made therefor. In case of the neglect or refusal of the collector or treasurer of any irrigation district to perform the duties imposed by law, then the tax collector and the

treasurer of the county in which the office of the board of directors of such district is situated must respectively perform such duties and shall be accountable therefor upon their official bonds; but, in case any county tax collector shall collect any assessment for any irrigation district, he shall pay the same to the county treasurer, who shall place such money in special fund to the credit of the district and shall disburse the same to the proper persons for the purposes for which such assessments have been levied and shall not pay any part thereof to the treasurer of said district until said county treasurer shall be satisfied that all of the valid obligations for which such assessments were levied and for which payment has been demanded have been paid. (Stats. 1917, p. 765.)

Duty of district attorney.

SEC. 39*c*. It shall be the duty of the district attorney of each county in which the office of any irrigation district is located to ascertain each year whether the duties relating to the levying and collection of assessments, as in this act provided, have been performed, and if he shall learn that the board of directors or any official of any such irrigation district has neglected or refused to perform any such duty, said district attorney shall so notify the board of supervisors or the county official required by this act to perform such duty in such case, and, unless such board of supervisors or such county official shall proceed to the performance of such duty within thirty days after the receipt of such notice the district attorney shall take such action in court as may be necessary to compel the performance of such duty, and said district attorney shall give such notice to other officials, and shall take such action, as may be necessary to secure the performance in their proper sequence of the other duties relating to the levying and collection of assessments, as in this act provided, that for the enforcement of the levying and collection of any assessment hereafter required to be levied and collected for the payment of any debt hereafter incurred, in case complaint shall be made to the attorney general of the State of California that the district attorney of any county has not performed any duty devolving upon him by the provisions of this section, or that he is not proceeding with due diligence or in the proper manner in the performance of any such duty, the attorney general shall make an investigation, and if it shall be found that such charge or charges are true, said attorney general shall take such measures as may be necessary to enforce the performance of the duties relating to the levying and collection of assessments, as in this act provided. (Stats. 1917, p. 766.)

Marra vs. *S. J. and P. V. Irr. Dist.*, 131 Fed. 780.

Extension of time.

SEC. 39*d*. If as the result of the neglect or refusal of any official or officials to perform any duty relating to the levying and collection of assessments, as in this act provided, it shall be impossible for such duty to be performed within the time required and such duty shall subsequently be performed, then the time within which all duties consequent upon the performance of such duty shall be performed shall be extended so as to allow the elapsing of the intervals required by this act to elapse

between the performance of such duties, and the assessments herein provided for shall not become delinquent for at least thirty days after the first publication of the notice that such assessments are due and payable, as provided in section forty-one of this act. (Stats. 1917, p. 767.)

Assessment of land omitted.

SEC. 39*e*. In the event any land within said district subject to assessment for the purposes of the district has not been assessed by the county assessor or does not appear upon the county assessment roll adopted by said board of supervisors as the basis of assessment for the district, the land so omitted belonging to any person, association, corporation, or municipality shall be forthwith assessed by the county assessor upon an order of the board of supervisors and a description of the property so omitted shall be written in the roll prepared for the purpose of district assessments. In such case, before any assessment is levied, the board of supervisors must meet and equalize said assessment with that of the assessment of other lands in said district. The same notice shall be given by the board of supervisors of such meeting for the purpose of equalizing the assessment to be made as herein directed as is provided in this act to be given by the board of directors of an irrigation district when the said board is to meet for the purpose of equalizing assessments. All the powers and duties respecting the collection of all assessment on possession of, claim to, or right to the possession of land now provided in sections three thousand eight hundred twenty, three thousand eight hundred twenty-one, three thousand eight hundred twenty-two, three thousand eight hundred twenty-three, three thousand eight hundred twenty-four, three thousand eight hundred twenty-five and three thousand eight hundred twenty-nine of the Political Code, as regards county assessors shall apply, so far as applicable to irrigation district assessors. (Stats. 1917, p. 767.)

Unpaid tolls part of assessment.

SEC. 39*f*. Whenever any tolls and charges for the use of water have been fixed by the board of directors, it shall be lawful to make the same payable in advance, and in case any such tolls or charges remain unpaid at the time hereinbefore specified for levying the annual assessment the amount due for such tolls and charges may be added to and become a part of the assessment levied upon the land upon which the water for which such tolls or charges are unpaid was used. (Stats. 1917, p. 768.)

Assessment becomes a lien, when.

SEC. 40. The assessment upon land is a lien against the property assessed from and after the first Monday in March for any year. (Stats. 1917, p. 768.)

Notice that assessments are due; when delinquent.

SEC. 41. On or before the first day of November, the secretary must deliver the assessment book to the collector of the district, who shall within twenty days publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assess-

ments are due and payable and will become delinquent at six o'clock p.m. on the last Monday of December next thereafter,[1] and that unless paid prior thereto ten per cent will be added to the amount thereof, and also the time and place at which payment of assessments may be made, which notice shall be published for the period of two weeks. The collector must attend at the time and place specified in the notice to receive assessments, which must be paid in gold and silver coin; he must mark the date of payment of any assessment in the assessment book, opposite the name of the person paying and give a receipt to such person, specifying the amount of the assessment and the amount paid, with the description of the property assessed. On the last Monday in December at six o'clock p.m. of each year,[1] all unpaid assessments are delinquent and thereafter the collector must collect thereon, for the use of the district, an addition of ten per cent. (Stats. 1913, p. 1002.)

San Diego vs. *Linda Vista Dist.*, 108 Cal. 189;
Perry vs. *Otay Irr. Dist.*, 127 Cal. 565;
Bruschi vs. *Cooper*, 30 Cal. App. 682;
Corson vs. *Crocker*, 31 Cal. App. 626;
Holland vs. *Avondale Dist.* (Idaho), 166 Pac. 259.

Suit against delinquent, to collect assessment.

SEC. 41*a*. The board of directors may at any time after any assessment has become delinquent direct the collector not to proceed with the sale of any property on the delinquent list, but to bring suit against the delinquent in the proper court in the name of the district to enforce such collection. The provisions of the Code of Civil Procedure relating to pleadings, proofs, trials and pleas are hereby made applicable to the proceedings herein provided for, and in such suit the district may recover the amount of said assessments together with the penalties and interests, provided in this act, and costs of suit. (Stats. 1915, p. 1368.)

Irrigation district assessment is an assessment for benefits.
San Diego vs. *Linda Vista Irr. Dist.*, 108 Cal. 189.

As to enforcement of collection by suit against delinquent, *see*
Atchison T. & S. F. Ry. Co. vs. *Reclamation Dist.*, 173 Cal. 91.

PUBLICATION OF DELINQUENT NOTICE.

Delinquent list; day of sale.

SEC. 42. On or before the first day of February, the collector must publish the delinquent list,[2] which must contain the names of the persons and a description of the property delinquent, and the amount of the assessments and costs due opposite each name and description. He must append to and publish with the delinquent list a notice, that unless the assessments delinquent, together with costs and percentage, are paid, the real property upon which such assessments are a lien will be sold at public auction. The publication must be made once a week

[1] If provision has been made for the payment of assessments in two installments, one-half becomes delinquent at the above time and one-half at 6 p.m. on the last Monday of June next thereafter. See section 4 of the act of 1909 permitting payment of assessments in two installments, page 74 hereof.

[2] If provision has been made for the payment of assessments in two installments, publication of the delinquent list shall not be made before the first day of July, but must be made on or before the first day of August. See section 5 of the act of 1909 permitting the payment of assessments in two installments, page 74 hereof.

for three successive weeks, in a newspaper published in the county in which the property delinquent is situated; *provided*, that if any property assessed to the same person or corporation shall lie in more than one county, then such publication may be made in any county in which any portion of such property may lie. The publication must designate the time and place of sale. The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication, and the place must be at some point designated by the collector, within the district; *provided, however*, that if there should occur any error in the publication of the sale of the delinquent property, which might invalidate a sale made thereunder, and such error is discovered prior to sale thereunder the collector shall at once republish the sale of the property affected by such error, making such republication conform to the provisions of this law, and the time of sale designated in such republication must not be less than twenty-one nor more than twenty-eight days from the first republication; and the place of sale must be at some point designated by the collector within the district, and stated in such republication.

Best vs. *Wohlford*, 153 Cal. 17;
Bruschi vs. *Cooper*, 30 Cal. App. 682–96.

SALE FOR DELINQUENT TAXES.

Sale of property for delinquent taxes.

SEC. 43. The collector must collect, in addition to the assessments due on the delinquent list, and ten per cent added, fifty cents on each lot, piece or tract of land separately assessed. On the day fixed for the sale, or some subsequent day to which he may have postponed it, of which he must give notice, the collector, between the hours of ten a.m. and three o'clock p.m., must commence the sale of the property advertised, commencing at the head of the list and continuing alphabetically, or in the numerical order of the lots or blocks, until completed. He may postpone the day of commencing the sales, or the sale, from day to day, but the sale must be completed within three weeks from the day first fixed; *provided*, that if any sale or sales shall be stayed by legal proceedings, the time of the continuance of such proceedings is not part of the time limited for making such sale or sales; *and provided further*, that in any district where the validity of any assessment shall be in litigation at the time this act shall take effect, the sale of any property, whether it be involved in such litigation or not, may be postponed for a time not to exceed four months. (Stats. 1913, p. 1003.)

Woodruff vs. *Perry*, 103 Cal. 611;
Baxter vs. *Vineland Dist.*, 136 Cal. 185–193;
Bruschi vs. *Cooper*, 30 Cal. App. 682;
Corson vs. *Crocker*, 31 Cal. App. 626.

Rights of owner of realty; resale in default of payment; district may purchase.

SEC. 44. The owner or person in possession of any real estate offered for sale for assessments due thereon may designate, in writing, to the collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the collector may designate it and the person who will take the least quantity of land, or in case an undivided interest is assessed, then the

smallest portion of the interest, and pay the assessments and costs due, including two dollars for the duplicate certificate of sale, is the purchaser. If the purchaser does not pay the assessments and costs before ten o'clock a.m. the following day, the property on the next sale day must be resold for the assessments and costs. But in case there is no purchaser in good faith for the same on the first day that the property is offered for sale, then, when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the irrigation district within which such lands are situated as the purchaser, and the duplicate certificate delivered to the treasurer of the district, and filed by him in his office. No charge shall be made for the duplicate certificate where the district is the purchaser, and, in such case, the collector shall make an entry, "sold to the district," and he shall be credited with the amount thereof in his settlement. An irrigation district as a purchaser at such sale, shall be entitled to the same rights as a private purchaser, and the title so acquired by the district, subject to the right of redemption herein provided, may be conveyed by deed, executed and acknowledged by the president and secretary of said board; *provided,* that authority to so convey must be conferred by resolution of the board entered on its minutes, fixing the price at which such sale may be made, and such conveyance shall not be made for a less sum than the reasonable market value of such property.

Designation of least quantity, etc.:
Best vs. *Wohlford,* 153 Cal. 17–20.

Priority of tax liens:
Nevada National Bank vs. *Poso Dist.,* 140 Cal. 344;
Henrylyn Irr. Dist. vs. *Patterson* (Colo.), 176 Pac. 493;
(Political Code, section 3787; Sec. 48 *infra.*)

Certificate of sale.

SEC. 45. After receiving the amount of assessments and costs, the collector must make out in duplicate a certificate, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, that it was sold for assessments, giving the amount and year of the assessment, and specifying the time when the purchaser will be entitled to a deed. The certificate must be signed by the collector, and one copy delivered to the purchaser, and the other filed in the office of the county recorder of the county in which the land is situated.

Wilson vs. *Carter,* 117 Cal. 53;
Best vs. *Wohlford,* 153 Cal. 17;
Bruschi vs. *Cooper,* 30 Cal. App. 682;
Corson vs. *Crocker,* 31 Cal. App. 626;
McDonough vs. *Cooper,* 179 Cal. 384;
(See section 48 *infra.*)

Record book of property sold for assessments.

SEC. 46. The collector, before delivering any certificate, must in a book enter a description of the land sold, corresponding with the description in the certificate, the date of the sale, purchasers' names, and amount paid, regularly number the description on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when

not in actual use. On filing the certificate with such county recorder the lien of the assessments vests with the purchaser, and is only divested by the payment to him, or to the collector for his use, of the purchase money, and two per cent per month from the day of sale until redemption.

REDEMPTION OF PROPERTY SOLD FOR DELINQUENT TAXES.

Redemption of property.

SEC. 47. A redemption of the property sold may be made by the owner, or any party in interest, within three years from the date of purchase, or at any time thereafter before a deed has been made and delivered. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and when made to the collector he must credit the amount paid to the person or his assignees. In each report the collector makes to the board of directors, he must name the person entitled to redemption money, and the amount due each. On receiving the certificate of sale, the county recorder must file it and make an entry in a book similar to that required of the collector. On the presentation of the receipt of the person named in the certificate, or of the collector for his use of the total amount of the redemption money, the recorder must mark the word "redeemed," the date, and by whom redeemed, on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within the time herein provided, the collector or his successor in office, upon demand, must make to the purchaser, or his assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption; *provided*, that where property has been sold to the district it may be redeemed as herein provided, at any time before the district has disposed of the same. The collector shall receive from the purchaser, for the use of the district, two dollars for making such deed. (Stats. 1921, p. 1109.)

Bruschi vs. *Cooper*, 30 Cal. App. 682.

Delinquent taxes not bar to dissolution; deed of land sold.

SEC. 47½. The five year period herein prescribed for the redemption of properties sold for delinquent taxes shall not operate as a bar to the dissolution of any irrigation district. If any land has been sold for delinquent taxes of a district in process of dissolution, or in a district which has been dissolved, and the time allowed for redemption has not expired, the owner of such property or any one in interest may redeem the same by paying the amount due thereon, computed as provided in section forty-six of this act, to the county treasurer, who must issue his receipt therefor, and upon the presentation of such receipt the county recorder must cancel the certificate of sale in the manner required in the preceding section.

In the event any land has been sold for non-payment of taxes as herein provided, and no redemption has been made within five years from the date of purchase in any district which may have been dissolved before the expiration of said redemption period, then a deed for

the property sold and described in the certificate of sale must be made to the purchaser upon demand by the county treasurer of the county in which said irrigation district is or was situated. Such deeed shall contain all the recitals of the certificate of sale, and in addition thereto, a recital that the district has been dissolved, and a deed executed in pursuance of the authority given by this section. A deed so executed shall have the same force and effect as if executed by the collector of an irrigation district. (Stats. 1911, p. 516.)

Tax deed evidence of what.

SEC. 48. The matter recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is prima facie evidence that: (*a*) The property was assessed as required by law; (*b*) the property was equalized as required by law; (*c*) that the assessments were levied in accordance with law; (*d*) the assessments were not paid; (*e*) at a proper time and place the property was sold as prescribed by law, and by the proper officer; (*f*) the property was not redeemed; (*g*) the person who executed the deed was the proper officer.

Such deed duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessment by the assessor, inclusive, up to the execution of the deed. The deed conveys to the grantee the absolute title to the lands described therein free of all encumbrances, except when the land is owned by the United States, or this state, in which case it is prima facie evidence of the right of possession.

Cooper vs. *Miller*, 113 Cal. 238;
Escondido H. S. Dist. vs. *Escondido Seminary*, 130 Cal. 128;
Best vs. *Wohlford*, 144 Cal. 733;
Best vs. *Wohlford*, 153 Cal. 17;
Haese vs. *Heitzig*, 159 Cal. 569, 575;
McDonough vs. *Cooper*, 179 Cal. 384;
Bruschi vs. *Cooper*, 30 Cal. App. 682;
Corson vs. *Crocker*, 31 Cal. App. 626.

Assessment book evidence of what.

SEC. 49. The assessment book or delinquent list, or a copy thereof, certified by the collector, showing unpaid assessments against any person, or property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of assessments due and unpaid, and that all the forms of the law in relation to the assessment and levy of such assessments have been complied with.

Bruschi vs. *Cooper*, 31 Cal. App. 682.

Misnomer does not invalidate.

SEC. 50. When land is sold for assessments correctly imposed, as the property of a particular person, no misnomer of the owner, or supposed owner, or other mistake relating to the ownership thereof affects the sale, or renders it void, or voidable.

Escondido H. S. Dist. vs. *Escondido Seminary*, 130 Cal. 128;
Commercial National Bank vs. *Schlitz*, 6 Cal. App. 174, 182;
Bruschi vs. *Cooper*, 30 Cal. App. 682.

Settlements between secretary and collector.

SEC. 51. On the first Monday in each month, the collector must settle with the secretary of the board for all moneys collected for assessments, and pay the same over to the treasurer; and within six days thereafter he must deliver to and file in the office of the secretary a statement under oath, showing: (*a*) An account of all his transactions and receipts since his last settlement; (*b*) that all money collected by him as collector has been paid. The collector shall also file in the office of the secretary, on said first Monday in each month, the receipt of the treasurer for the money so paid.

REDEMPTION OF BONDS AND PAYMENT OF INTEREST.

Redemption of bonds.

SEC. 52. Upon presentation of any matured bond or any matured interest coupon of any bond of the district, the treasurer shall pay the same from the bond fund. If funds are not available for the payment of any such matured bond or interest coupon, it shall draw interest at the rate of seven per cent per annum from the date of its presentation for payment until notice is given that funds are available for its payment, and it shall be stamped and provision made for its payment as in the case of a warrant for the payment of which funds are not available on its presentation. Whenever the bond fund contains ten thousand dollars in excess of the amount necessary to pay all bonds and interest coupons of the district that have matured or that will mature before the time when any part of the next annual assessment to be levied in the district will become delinquent, the board of directors may advertise, in the manner hereinbefore provided for the sale of bonds, for the receipt of sealed proposals for the delivery to the district for redemption of any of its bonds not due. Said advertisement shall state the amount which may be used for the redemption of such bonds. Any such proposals shall be opened by the board in open meeting at the time named in said advertisement, and the offer or offers of such bonds at the lowest rate or rates shall be accepted; *provided,* that no bonds shall be redeemed at more than the par value thereof except by unanimous vote of the directors. In case two or more proposals are equal and there is not sufficient money available to accept them all, the lowest numbered bonds shall have the preference. In case not enough bonds are offered for redemption at prices which the board of directors accepts, the board may invest any money available for redemption of bonds in bonds of the United States or of the State of California and shall hold the bonds so purchased as part of the bond fund until such time as the board may determine that it is for the best interests of the district that such bonds or any of them be sold. In case of the sale of any such bonds, the proceeds of the sale shall be deposited in the bond fund. (Stats. 1919, p. 667.)

Howel vs. *Hogin,* 3 Cal. App. 248.

Statute of limitations:

Sechrist vs. *Rialto Irr. Dist.*, 129 Cal. 640;
Curtis vs. *Rialto Irr. Dist.* (Cal. App.), 187 Pac. 117;
Farwell vs. *San Jacinto and P. V. Irr. Dist.* (Cal. App.), 192 Pac. 1034.

CONSTRUCTION OF WORKS.

Bids for construction of works.

SEC. 53. After adopting a plan for such canal or canals, storage reservoirs, and works, as in this act provided for, the board of directors shall give notice, by publication thereof not less than twenty days in one newspaper published in each of the counties composing the district (provided a newspaper is published therein), and in such other newspapers as they may deem advisable, calling for bids for the construction of such work, or of any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice. Said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public; and as convenient thereafter the board shall let said work, either in portions or as a whole, to the lowest responsible bidder; or they may reject any or all bids and readvertise for proposals or may proceed to construct the work under their own superintendence; *provided,* that in case of emergency or urgent necessity for the construction, extension or repair of works for irrigation or drainage, the board of directors, by unanimous vote of those present at any regular or special meeting, may award contracts therefor without advertising for bids, but the cost of such work shall not exceed five hundred dollars and such additional amount as shall be equal to five cents for each acre of land in the district. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for twenty-five per cent of the amount of the contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer, and be approved by the board. (Stats. 1919, p. 668.)

Healey vs. *Anglo Bank, Ltd.,* 5 Cal. App. 278.
See section 9 of Stats. 1917, p. 243; p. 89 hereof.

Investigations by state engineer.

SEC. 53*a*. During the construction of any irrigation works to be paid for out of the proceeds of any bond issue which has been certified by the state irrigation district bond commission as provided in the act creating said commission, the state engineer shall have access to all plans, specifications, and records of such construction, and shall from time to time make such investigations and such reports to the board of directors of the district as he shall deem to be in the interest of the public or of the district. (Stats. 1917, p. 768.)

Payment of claims.

SEC. 54. No claim shall be paid by the treasurer until allowed by the board, and only upon a warrant signed by the president, and countersigned by the secretary; *provided,* that the board may draw, from time to time, from the construction fund, and deposit in the

county treasury of the county where the office of the board is situated any sum in excess of the sum of twenty-five thousand dollars. The county treasurer of said county is hereby authorized and required to receive and receipt for the same and place the same to the credit of said district, and he shall be responsible upon his official bond for the safekeeping and disbursement of the same, as in this act provided. He shall pay out the same, or any portion thereof, to the treasurer of the district only, and only upon the order of the board, signed by the president, and attested by the secretary. The said county treasurer shall report, in writing, on the second Monday in each month, the amount of money in the county treasury, the amount of receipts for the month preceding, and the amount or amounts paid out; said report shall be verified and filed with the secretary of the board. The district treasurer shall also report to the board, in writing, on the first Monday in each month, the amount of money in the district treasury, the amount of receipts for the month preceding, and the amount and items of expenditures, and said report shall be verified and filed with the secretary of the board.

Perry vs. *Otay Irr. Dist.*, 127 Cal. 565.

Negotiability and validity of warrants:
Danby vs. *Starlight Irr. Dist.* (Ore.), 157 Pac. 1066;
Interstate Trust Co. vs. *Steele* (Colo.), 173 Pac. 873–5.

Reports to be forwarded to state engineer.

SEC. 54½. During the construction of any work to be paid for out of the proceeds of the sale of any bonds of any irrigation district within this state, the secretary of the board of directors shall, within one week after each regular meeting of said board, forward to the state engineer copies of all reports made to said board as to the progress of said work and a statement of the amounts paid for the doing of any part of said work. Immediately after the publication of the statement of the financial condition of any irrigation district within this state, required by section fourteen of this act to be made annually, the board of directors of said district shall cause a copy of said statement and a report stating the general condition of any works constructed or acquired by said district and whether or not the plan of irrigation adopted by the district is being successfully carried out and any other matters which the board may deem proper, to be forwarded to the state engineer, who shall examine said statement and report and make to said board such recommendations and comments as he may deem proper. The state engineer may at any time make or cause to be made an examination of the affairs of any irrigation district within this state or call upon the authorities of such district for such information as he may desire and make such report thereon as he may deem advisable. (Stats. 1913, p. 1000.)

Improvements to be paid for from construction fund.

SEC. 55. The cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for shall be wholly paid out of the construction fund; *provided, however*, that when any lands, waters, water rights or other property shall be acquired by the district by any lease or contract, under the terms of

which the consideration or rental shall be payable in such installments that a like amount shall be payable in each year of the life of such lease or contract, then such rental or consideration shall be paid out of the funds derived from the levying of annual assessments, or from the collection of rates, tolls and charges fixed and collected as hereinafter provided for. For the purpose of defraying the expenses of the organization of the district, and of the care, operation, management, repair and improvement of such portions of such canal and works as are completed and in use, including salaries of officers and employees, and installments of rental or consideration accruing under any lease or contract as hereinabove in this section mentioned, the board may in lieu (either in part or in whole) of levying assessments as herein provided for, fix rates of toll and charges, for irrigation and other public uses declared by this act, and collect the same from all persons using said canal for irrigation and other purposes. (Stats. 1911, p. 516.)

Hughson vs. *Crane*, 115 Cal. 404;
Mitchell vs. *Patterson*, 120 Cal. 286.

Right of way.

SEC. 56. The board of directors shall have power to construct the said works across any stream of water, watercourse, street, avenue, highway, railway, canal, ditch, or flume which the route of said canal or canals may intersect or cross, in such manner as to afford security for life and property; but said board shall restore the same, when so crossed or intersected, to its former state as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by said works shall unite with said board in forming said intersections and crossings, and grant the privileges aforesaid; and if such railroad company and said board, or the owners and controllers of the said property, thing, or franchise so to be crossed, can not agree upon the amount to be paid therefor, or the points or the matter of said crossings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of land. The right of way is hereby given, dedicated, and set apart, to locate, construct, and maintain said works over and through any of the lands which are now or may be the property of this state; and also there is given, dedicated, and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this state within the district.

McPherson vs. *Alta Irr. Dist.*, 14 Cal. App. 353;
MacCammelly vs. *Pioneer Irr. Dist.* (Idaho), 105 Pac. 1076;
City of Nampa vs. *Nampa, etc., Dist.* (Idaho), 131 Pac. 8.

GOVERNING DIRECTORS.

Compensation of officers.

SEC. 57. The directors, when sitting as a board or acting under the orders of the board, shall each receive not to exceed six dollars per day and fifteen cents per mile for each mile actually traveled from his place of residence to the office of the board, and actual and necessary expenses paid while engaged in official business under the order of the board; *provided*, that in irrigation districts containing five hundred thousand

acres or more the directors, in lieu of said per diem, shall each receive a salary of one hundred and fifty dollars per month. The board shall fix the compensation to be paid to all officers named in this act, to be paid out of the treasury of the district; *provided,* that said board shall, upon the petition of at least fifty freeholders within such district therefor, submit to the electors at any general election a schedule of salaries and fees to be paid hereunder, which may include the salary or per diem to be paid to the directors. Such petition must be presented to the board not less than twenty days, nor more than forty days, prior to a general election, and the result of such election shall be determined and declared in all respects as other elections are determined and declared under this act. (Stats. 1921, p. 1004.)

Directors not to be interested in contracts.

SEC. 58. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SPECIAL ASSESSMENTS.

Election on question of special assessment.

SEC. 59. The board of directors may at any time call a special election and submit to the qualified electors of the district the question whether a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes of this act or of any act supplementary hereto. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of section thirty *d* of this act. The notice must specify the amount of money proposed to be raised, and the purpose or purposes for which it is intended to be used, and it may state that said assessment shall be levied in two or three annual installments and specify the amount of the installment to be levied in each year. At the special election the ballots shall contain the words "Assessment—Yes" or "Assessment—No," or words equivalent thereto. If a majority of the votes cast are "Assessment—Yes," the board of directors shall, at the time of the annual levy hereunder, levy a sum sufficient to raise the amount voted, or, if the notice of election shall have provided for levying said assessment in annual installments, the board of directors shall, at the time of the annual levy in each of the years specified in said notice, levy such assessment as shall raise the amount of the installment provided in said notice to be raised in said year; *provided, however,* that in case of an unexpected emergency by which the flow of water in the canal or other supply is interrupted, the amount of the indebtedness, incurred in the repair of the works of said district, caused by such interruption, not to exceed in any one year forty thousand dollars, may also, in addition to the assessments hereinbefore provided for, be levied by the

adoption of a resolution by at least four-fifths of the members of the board of directors, at the time of the levying of the annual assessment provided for in this act, without the submission of the question of such levy to a vote, as in this section hereinbefore provided. (Stats. 1919, p. 668.)

Tregea vs. *Owens*, 94 Cal. 317;
Imperial Land Co. vs. *Imperial Irr. Dist.*, 26 Cal. App. 529;
Imperial Land Co. vs. *Imperial Irr. Dist.*, 166 Cal. 491.
Imperial Land Co. vs. *Imperial Irr. Dist.*, 173 Cal. 660;
Imperial Land Co. vs. *Imperial Irr. Dist.*, 173 Cal. 668;
McDonough vs. *Cooper*, 179 Cal. 384.

Rate of assessments, how ascertained.

SEC. 60. The rate of assessments levied under the provisions of this act shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate assessed value of the property in the district as it appears on the assessment roll for the current year, and then dividing the sum to be raised by the remainder of such aggregate assessed value. Special assessments shall be computed and entered by the secretary and collected as a part of the regular assessment levied hereunder, and, when collected, shall be paid into the district treasury for the purpose or purposes specified in the notices calling the respective elections at which they were voted. (Stats. 1919, p. 669.)

McDonough vs. *Cooper*, 179 Cal. 384;
Stevens vs. *Melville* (Utah), 175 Pac. 602.

INCURRING INDEBTEDNESS.

Power to incur indebtedness restricted.

SEC. 61. The board of directors or other officers of the district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void, except that for the purposes of organization, or for any of the purposes of this act, the board of directors may, before the levying of the first assessment, incur indebtedness in such sum or sums as shall amount to two thousand dollars, or, if the district shall contain more than four thousand acres, to one-half as many dollars as there are acres of land in the district, and may cause warrants of the district to be issued therefor, bearing interest at not more than seven per centum per annum, said rate to be fixed by the board of directors. Each such warrant shall be made payable on a date not later than the first day of July next after the first assessment in the district shall be levied, and if not paid when presented on the due date or thereafter shall be registered and the amount due thereon shall draw interest as provided in section sixty-one *a* of this act. Nothing contained in this section shall be construed as limiting the right of the board to enter into any contract or lease for any lands, waters, water rights or other property as elsewhere in this act authorized and by such lease or contract to bind the district for the payment of the consideration specified in such lease or contract, but if the smallest payment to be made under such lease or contract in any year exceeds an amount equal to ten cents an acre for all the land in the district, such lease or contract shall not be valid unless approved by the com-

mission authorized by law to approve the bonds of irrigation districts as legal investments for savings banks, or unless an assessment sufficient to meet all the payments to become due under such lease or contract shall have been or shall be authorized for that purpose in accordance with section fifty-nine of this act. (Stats. 1921, p. 1110.)

Mitchell vs. *Patterson*, 120 Cal. 286, 293.

Warrants not paid to draw interest.

SEC. 61*a*. Whenever any warrant of the district payable on demand is presented to the treasurer for payment when funds are not available for the payment thereof, it shall thereafter draw interest at a rate to be determined by resolution of the board of directors, not, however, to exceed seven per centum per annum, until public notice is given that such funds are available. Upon the presentation of any such warrants for payment, other than warrants issued under the provisions of section sixty-one hereof, when funds of the district are not available to pay the same, the treasurer of the district shall endorse thereon the words "funds not available for payment," with the date of presentation and shall specify the interest that such warrants shall thereafter bear and shall sign his name thereto. He shall keep a record showing the number and amount of each such warrant, the date of its issuance, the person in whose favor it was issued, and the date of its presentation for payment. Whenever there is sufficient money in the treasury to pay all such outstanding warrants or whenever the board of directors shall order that all such warrants presented for payment prior to a certain date, be made and there is sufficient money available for such payments, the treasurer shall give notice in some newspaper published in the district, or, if none is published therein, then in some newspaper published in the county in which the district or any portion thereof is situated, or, if none is published in such county, then the treasurer shall post such notice conspicuously in the place in which the board of directors of the district holds its regular meetings, stating that he is prepared to pay all warrants of the district for the payment of which funds were not available upon their original presentation, or all such warrants which were presented for payment prior to the date fixed by the board of directors, as the case may be, and no further description of the warrants entitled to payment shall be made in such notice. Upon the presentation of any warrant entitled to payment under the terms of such notice, the treasurer shall pay it, together with interest thereon at the rate specified by the board of directors, from the date of its original presentation for payment to the date of the first publication or posting of said notice, and all warrants for the payment of which funds are declared in said notice to be available shall cease to draw interest at the time of the first publication or posting of said notice. The treasurer shall enter in the record hereinbefore required to be kept, the dates of the payment of all such warrants, the names of the persons to whom payments are made and the amount paid to each person. (Stats. 1915, p. 1369.)

Carter vs. *Tilghman*, 119 Cal. 104–6.

Directors may purchase irrigation works.

SEC. 61*b*. The board of directors of irrigation districts may acquire, by purchase or condemnation, the irrigation system, canals and works through which lands in such districts have been or may be supplied with water for irrigation[1], and may exchange bonds of such irrigation district for such system or canals or works or for any portion thereof, or for any interest therein or for the capital stock of any corporation owning such system or any portion thereof, upon such terms and conditions as the said board of directors may deem best. (Stats. 1917, p. 769.)

Exchange of bonds for property:

Stimson vs. *Allesandro Dist.*, 135 Cal. 389;
Hughson vs. *Crane*, 115 Cal. 404;
Stowell vs. *Rialto Dist.*, 155 Cal. 215;
Ham vs. *Grapeland Dist.*, 172 Cal. 611;
Hooker vs. *East Riverside Dist.*, 38 Cal. App. 615;
Rialto Dist. vs. *Stowell*, 246 Fed. 294, 297;
Baltes vs. *Farmers Irr. Dist.* (Nebr.), 83 N. W. 83;
Wyman vs. *Scarles* (Nebr.), 128 N. W. 801;
O'Neil vs. *Yellowstone Dist.* (Mont.), 121 Pac. 283.

Validity of contract for exchange:

Kinkade vs. *Witherop* (Wash.), 69 Pac. 399;
Board of Directors vs. *Peterson* (Ore.), 128 Pac. 837.

Determination of validity of bonds.

SEC. 61*c*. Where the board of directors of an irrigation district have exchanged bonds or have agreed to exchange bonds for property rights in any irrigation system or works or for any interest therein under the provisions of section sixty-one *b* of this act, the court shall, in any proceeding brought under the provisions of the last section, by its decree determine the validity of all bonds issued or to be issued under any contract or contracts for the exchange of bonds for property interests and by its decree shall determine whether the bonds provided for in said contracts, when delivered to the person or corporation entitled thereto under the terms of any such contract, shall constitute valid obligations of said irrigation district as against all persons. (Stats. 1915, p. 1291.)

GOVERNING THE USE OF WATER.

When the volume of water is insufficient.

SEC. 62. In case the volume of water in any stream or river shall not be sufficient to supply the continual wants of the entire country through which it passes, and susceptible of irrigation therefrom, then it shall be the duty of the water commissioners, constituted as hereinafter provided, to apportion, in a just and equitable proportion, a certain amount of said water upon certain or alternate weekly days to different localities, as they may, in their judgment, think best for the interest of all parties concerned, and with due regard to the legal and equitable rights of all. Said water commissioners shall consist of the chairman of the board of directors of each of the districts affected.

[1]The procedure before the Railroad Commission for the valuation of the property of a public utility in condemnation proceedings instituted by a district is prescribed in sections 47 and 70 of the Public Utilities Act (as amended by Stats. 1917, p. 261).

Full capacity of ditches.

SEC. 63. It shall be the duty of the board of directors to keep the water flowing through the ditches under their control to the full capacity of such ditches in times of high water.

SEC. 64. Repealed Stats. 1917, p. 915.

Right of eminent domain.

SEC. 65. Nothing herein contained shall be deemed to authorize any person or persons to divert the waters of any river, creek, stream, canal, or ditch from its channel, to the detriment of any person or persons having any interest in such river, creek, stream, canal, or ditch, or the waters therein, unless previous compensation be ascertained and paid therefor, under the laws of this state authorizing the taking of private property for public uses.

See Const. Art. I, Sec. 14, page 9 hereof.

EXEMPTION FROM TAXATION—CREATION OF FUNDS.

Exemption of property from taxation.

SEC. 66. The rights of way, ditches, flumes, pipe-lines, dams, water rights, reservoirs, and other property of like character, belonging to any irrigation district shall not be taxed for state and county or municipal purposes.

Constitution of California, Sec. 1, Art. XIII;
Reclamation Dist. vs. *County of Sacramento,* 134 Cal. 477;
Turlock Irr. Dist. vs. *White,* (Cal.) 198 Pac. 1060.

Funds created.

SEC. 67. The following funds are hereby created and established, to which the moneys properly belonging shall be apportioned, to wit: bond fund, construction fund, general fund.

Hughson vs. *Crane,* 115 Cal. 404, 414.

Unexpended money.

SEC. 67*a*. Whenever an object for which money has been specifically provided by assessment or by bond issue has been accomplished and any money provided therefor remains unexpended, the same shall in the discretion of the board of directors be transferred to the general fund and thereafter be available for any of the purposes of this act. (Stats. 1917, p. 769.)

GENERAL PROVISIONS.

Action to determine validity of bonds.

SEC. 68. The board of directors may, at any time after the issue of any bonds or the levy of any assessment herein provided for, bring an action in the superior court of the county wherein is located the office of such board, to determine the validity of any such bonds or such levy of assessments; such action shall be in the nature of a proceeding *in rem,* and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the

action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such bonds or assessments. Such action shall be speedily tried and judgment rendered declaring such matter so contested either valid or invalid. Either party may have the right to appeal to the supreme court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal.

Crall vs. *Poso Irr. Dist.*, 87 Cal. 140;
Board of Directors vs. *Tregea*, 88 Cal. 334;
In re Madera Irr. Dist., 92 Cal. 296;
Rialto Irr. Dist. vs. *Brandon*, 103 Cal. 384;
Cullen vs. *Glendora Water Co.*, 113 Cal. 805;
In re Central Irr. Dist., 117 Cal. 382;
People vs. *Linda Vista Irr. Dist.*, 128 Cal. 477;
People vs. *Perris Irr. Dist.*, 132 Cal. 289;
People vs. *Perris Irr. Dist.*, 142 Cal. 601;
Western Union Tel. Co. vs. *Modesto Dist.*, 149 Cal. 662–6;
Fogg vs. *Perris Dist.*, 154 Cal. 209;
Haese vs. *Heitzig*, 159 Cal. 569;
In re Bonds of S. San Joaquin Irr. Dist., 161 Cal. 345;
Imperial Water Co. vs. *Supervisors*, 162 Cal. 14;
Imperial Land Co. vs. *Imperial Dist.*, 173 Cal. 660;
Imperial Land Co. vs. *Imperial Dist.*, 173 Cal. 668;
Black Canyon Irr. Dist. vs. *Fallon* (Idaho), 122 Pac. 850;
Petition of Board of Directors Unit District (Ore.), 178 Pac. 186–8.

Assessment payer may bring action.

SEC. 69. If no such proceedings shall have been brought by the board of directors, then, at any time within thirty days after the levy of any assessment or issue of any bonds under the provisions of this act, any district assessment payer may bring an action in the superior court of the county where the office of the board of directors is located, to determine the validity of any such assessment or such bonds. The board of directors shall be made parties defendant, and service of summons shall be made on the members of the board personally. Said board shall have the right to appear and contest such action. Such action shall be speedily tried, with the right of appeal to either party, within the time and manner herein provided for the bringing of actions by the board to determine such matters. Such appeal shall be heard and determined in the manner and within the time therein provided.

Seehrist vs. *Rialto Irr. Dist.*, 129 Cal. 640;
Henry vs. *Vineland Irr. Dist.*, 140 Cal. 376;
Western Union Tel. Co. vs. *Modesto Dist.*, 149 Cal. 662–6;
Imperial Land Co. vs. *Imperial Dist.*, 173 Cal. 660;
Imperial Land Co. vs. *Imperial Dist.*, 173 Cal. 668;
Gray vs. *Cardiff Irr. Dist.*, 34 C. A. D. 457.

Consolidation of actions.

SEC. 70. If more than one action shall be pending at the same time concerning similar contests in this act provided for, they shall be consolidated and tried together.

Imperial Land Co. vs. *Imperial Dist.*, 173 Cal. 660.

Courts must disregard errors, etc.; rules of pleading.

SEC. 71. The court hearing any of the contests herein provided for, in inquiring into the regularity, legality, or correctness of such proceedings, must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. The motion for a new trial of any such action or proceeding must be heard and determined within ten days from the filing of the notice of intention. The costs on any hearing, or contest herein provided for, may be allowed and apportioned between the parties, or taxed to the losing party, in the discretion of the court.

Palmdale Irr. Dist. vs. *Rathke*, 95 Cal. 538;
Board of Directors vs. *Abila*, 106 Cal. 365;
Imperial Land Co. vs. *Imperial Dist.*, 173 Cal. 660.

Contests.

SEC. 72. No contest of anything or matter herein provided shall be made other than within the time and manner herein specified, and in any such action all findings of facts or conclusions of said board of directors, or of the board of supervisors upon all matters shall be conclusive, unless such action was instituted within six months after such finding or conclusion was made. (Stats. 1915, p. 1370.)

Imperial Land Co. vs. *Imperial Dist.*, 173 Cal. 660.

Penalty for violation of duty.

SEC. 73. For any wilful violation of any express duty herein provided for, on the part of any officer herein named, he shall be liable upon his official bond, and be subject to removal from office, by proceedings brought in the superior court of the county wherein the office of the board of directors of the district is located, by any assessment payer of the district; but no officer of an irrigation district shall be personally liable for any damage resulting from the operations of the district or from the negligence or misconduct of any of its officers or employees unless such damage was proximately caused by the officer's own negligence or misconduct or by his wilful violation of official duty. (Stats. 1921, p. 849.)

Kerr vs. *Superior Court*, 130 Cal. 183.

Applicability of Sec. 165 of the Penal Code:
People vs. *Turnbull*, 93 Cal. 630.
As to recall, see section 28½, p. 30 hereof.

EXCLUSION OF LANDS.

Boundaries may be changed to exclude lands.

SEC. 74. The boundaries of any irrigation district now organized or hereafter organized under the provision of this act, may be changed, and tracts of land which were included within the boundaries of such district at or after its organization under the provisions of said act, may be excluded therefrom, in the manner herein prescribed; but neither such change of the boundaries of the districts nor such exclusion of lands from the district shall impair or affect its organization, or its

right in or to property, or any of its rights or privileges of whatever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which said district was and may become liable or chargeable, had such change of its boundaries not been made, or had not such land been excluded from the district.

Board of Directors vs. *Tregea*, 88 Cal. 334-356;
Herring vs. *Modesto Dist.*, 95 Fed. 705.

Petition of owners for exclusion of land.

SEC. 75. The owner or owners in fee of one or more tracts of land which constitute a portion of an irrigation district may jointly or severally file with the board of directors of the district a petition, praying that such tract or tracts, and any other tracts contiguous thereto, may be excluded and taken from said district. The petition shall state the grounds and reasons upon which it is claimed that such lands should be excluded and shall describe the boundaries thereof, and also the lands of such petitioner or petitioners which are included within such boundaries; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the county assessor. Such petition must be acknowledged in the same manner and form as is required in the case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance.

Harelson vs. *South San Joaquin Irr. Dist.*, 20 Cal. App. 324.

Publication of filing of petition; contests of notice.

SEC. 76. The secretary of the board of directors shall cause a notice of the filing of such petition to be published for at least two weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or who may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause, in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.

Harelson vs. *South San Joaquin Irr. Dist.*, 20 Cal. App. 324.

Hearing of petition; failure to show cause deemed assent.

SEC. 77. The board of directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all evidence or proofs that may or shall be introduced by or on behalf of the petitioner or petitioners, and all objections to such petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. Such evidence shall be taken down in shorthand, and a record made thereof and filed with the board. The failure of any person interested in said district, other than the holders of bonds thereof outstanding at the time of the filing of said petition with said board, to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from said district; and the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent by each and all such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof. The expenses of giving said notice and of the aforesaid proceeding shall be paid by the person or persons filing such petition.

Harelson vs. *South San Joaquin Irr. Dist.*, 20 Cal. App. 324.

Power of board to exclude land from district.

SEC. 78. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the board deem it not for the best interest of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board deem it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause in writing why the said lands or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to, and it shall forthwith, make an order that the lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district; *provided*, that it shall be the duty of said board to so order, upon petition therefor as aforesaid, that all lands so petitioned to be excluded from said district shall be excluded therefrom, which can not be irrigated from, or which are not susceptible to, irrigation from a common source or by the same system of works with the other lands of said district, or from the source selected, chosen, or provided, or the system adopted for the irrigation of the lands in said district, or which are already irrigated, or entitled to be irrigated, from another source or by another system of irrigation works; *provided*, that no land irrigated by means of water, pumped from an underground source or sources shall be entitled to exclusion from any irrigation district on account of being so irrigated, if it shall be shown that such land is or will be substantially benefited by

subirrigation from the works of said district or by drainage works provided or required by law to be provided by said district, but no owner of land in any irrigation district shall be required to pay any assessment, except for the payment of interest and principal due on bonds of the district, on any land in such district which, when the district was organized, was irrigated by means of water pumped from an underground source or sources and has continued each year to be irrigated exclusively by such means. (Stats. 1915, p. 836.)

Harelson vs. *South San Joaquin Irr. Dist.*, 20 Cal. App. 324; *Board of Directors* vs. *Tregea*, 88 Cal. 334.

Assent of bondholders; release from lien.

SEC. 79. If there be outstanding bonds of the district at the time of the filing of said petition, the holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the lands mentioned in the petition, or such portion thereof as may be excluded from said district by order of said board, or the decree of the superior court as hereinafter provided, may be excluded from the district; and if said lands, or any portion thereof, be thereafter excluded from the district, the lands so excluded shall be released from the lien of such outstanding bonds. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance. The assent shall be filed with the board, and must be recorded in the minutes of the board; and said minutes, or a copy thereof, certified by the secretary of said board, shall be admissible in evidence, with the same effect as the said assent, and such certified copy thereof may be recorded in the office of the county recorder of the county wherein said lands are situated.

Change of boundaries to be recorded; organization not affected.

SEC. 80. In the event the said board of directors shall exclude any lands from said district upon petition therefor, it shall be the duty of the board of directors to make an entry in the minutes of the board, describing the boundaries of the district, should the exclusion of said lands from said district change the boundaries of said district, and for that purpose the board may cause a survey to be made of such portions of the district as the board may deem necessary; and a certified copy of the entry in the minutes of the board excluding any land, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district; but said district, notwithstanding such exclusion, shall be and remain an irrigation district as fully, to every intent and purpose, as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

Office of director of excluded division declared vacant.

SEC. 81. If the lands excluded from any district under this act shall embrace the greater portion of any division or divisions of such district, then the office of director for such division or divisions shall

become and be vacant at the expiration of ten days from the final order of the board excluding said lands; and such vacancy or vacancies shall be filled by appointment by the board of supervisors of the county where the office of such board is situated, from the district at large. A director appointed as above provided, shall hold his office until the next regular election for said district, and until his successor is elected and qualified.

Division of district.

SEC. 82. In case land is excluded from any district, the board of directors thereof, if they deem it desirable, but not less than thirty days before any election in such district, may reestablish the boundaries of the divisions and election precincts within such district. (Stats. 1921, p. 860.)

Rights of guardian, administrator or executor.

SEC. 83. A guardian and executor, or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereto properly authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act provided, why the boundaries of the district should not be changed.

Lands excluded not released from liabilities for indebtedness.

SEC. 84. Nothing in this act provided shall, in any manner, operate to release any of the lands so excluded from the district from any obligation to pay, or any lien thereon, of any valid outstanding bonds or other indebtedness of said district at the time of the filing of said petition for the exclusion of said lands, but upon the contrary, said lands shall be held subject to said lien, and answerable and chargeable for and with the payment and discharge of all of said outstanding obligations at the time of the filing of the petition for the exclusion of said land, as fully as though said petition for such exclusion were never filed and said order or decree of exclusion never made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of said irrigation district the same as though said petition for its exclusion had never been filed or said order or decree of exclusion never made; and all provisions which may have been resorted to to compel the payment by said lands of its quota or portion of said outstanding obligations, had said exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said lands of its quota and portion of said outstanding obligations of said irrigation district for which it is liable, as herein provided. But said land so excluded shall not be held answerable or chargeable for any obligation of any nature or kind whatever, incurred after the filing with the board of directors of said district of the petition for the exclusion of said lands from the said district; *provided*, that the provisions of this section shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of such lands from said district, as hereinbefore provided.

INCLUSION OF LANDS.

Boundaries may be changed to include lands.

SEC. 85. The boundaries of any irrigation district now organized or hereafter organized under the provisions of this act may be changed in the manner herein prescribed; but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made.

Procedure for inclusion of lands.

SEC. 86. The holder or holders, of title, or evidence of title, representing one-half or more of any body of lands adjacent to the boundary of an irrigation district, which are contiguous, and which, taken together, constitute one tract of land, may file with the board of directors of said district a petition, in writing, praying that the boundaries of said district may be so changed as to include therein said lands. The petition shall describe the boundaries of said parcel or tract of land, and shall also describe the boundaries of the several parcels owned by the petitioners, if the petitioners be the owners, respectively, of distinct parcels, but such descriptions need not be more particular than they are required to be when such lands are entered by the county assessor in the assessment book. Such petition must contain the assent of the petitioners to the inclusion within said district of the parcels or tracts of land described in the petition, and of which said petition alleges they are, respectively, the owners; and it must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

People vs. *Cardiff Irr. Dist.*, 34 C. A. D. 451.

Notice of filing of petition.

SEC. 87. The secretary of the board of directors shall cause a notice of the filing of such petition to be given and published in the same manner and for the same time that notices of special elections for the issue of bonds are required by this act to be published. The notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or that may be affected by such change of the boundaries of the district, to appear at the office of said board, at a time named in said notice, and show cause in writing, if any they have, why the change in the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioners shall advance to the secretary sufficient money to pay the estimated costs of all proceedings under this act.

Hearing of petition.

SEC. 88. The board of directors, at the time and place mentioned in the said notice, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all the objections thereto, presented in writing by any person showing cause as aforesaid why said proposed change of the boundaries of the district should not be made. The failure by any person interested in said district, or in the matter of the proposed change of its boundaries, to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his part to a change of the boundaries of the district as prayed for in said petition, or to such a change thereof as will include a part of said lands. And the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of said boundaries that they may include the whole or any portion of the lands described in said petition.

Condition precedent.

SEC. 89. The board of directors to whom such petition is presented, may require, as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated (the several amounts to be determined by the board), as said petitioners or their grantors would have been required to pay to such district as assessments, had such lands been included in such district at the time the same was originally formed.

Nile Irr. Dist. vs. *G. S. Co.*, 248 Fed. 861.

Change in boundaries.

SEC. 90. If the board of directors deem it for the best interest of the district that the boundaries of the district be changed as proposed and if no protest against such change is made as provided in section ninety-one of this act, or if such protest be made and enough signatures be withdrawn therefrom so that said protest is no longer sufficient, the board shall order that the boundaries of the district be changed so as to include therein the lands described in said petition, or such portion thereof as the board shall find will be benefited by such inclusion. The order shall describe the boundaries as changed and shall also describe the entire boundaries of the district as they will be after the change thereof as aforesaid is made; and for that purpose the board may cause a survey to be made of such portions of such boundaries as is deemed necessary; *provided, however,* that any public land of the United States of America adjoining the boundaries of any irrigation district may be included within the boundaries of any such irrigation district by order or resolution of the board of directors of such district without any petition being filed asking for such inclusion; *and provided, further,* that when additional land is included within any irrigation district and the board of directors of such district finds either that such inclusion without condition would work an injury to the land already in the district, either by an impairment of water rights or by requiring a greater expense for furnishing water to the lands proposed to be

included, the board may prescribe conditions upon such inclusion of land, either by providing for priority of right to water or for the payment of an additional annual charge, or such other conditions as may to the board seem just. If such inclusion is upon petition of property owners, all such property owners shall sign and acknowledge an agreement with the district, specifying such conditions and describing the land so to be included. Such agreement must be recorded in the office of the county recorder of the county in which such lands are situated, together with a certified copy of the order including such lands, and thereupon such lands shall become a part of such irrigation district subject to such conditions. (Stats. 1921, p. 999.)

Resolution describing boundaries.

SEC. 91. If a protest against the inclusion of such lands, signed by not less than three per cent of the holders of title or evidence of title to lands within the district and holding the title or evidence of title to not less than three per cent in value of the lands within the district according to the last equalized assessment roll of said district, shall have been presented to the board of directors and upon the hearing of said matter said protest shall not be withdrawn, or after the withdrawal therefrom of any signatures it shall still be signed by not less than three per cent of the holders of title or evidence of title to lands within the district and holding the title or evidence of title to not less than three per cent in value of the lands within the district according to the last equalized assessment roll of said district, or if the board of directors deem it not for the best interests of the district to include therein the lands described in said petition for inclusion, or any of them, the board shall adopt a resolution stating the facts and describing the boundary of the tract of land proposed to be included in the district; but before calling the election provided for in the next section, the board may require an undertaking, with sufficient sureties, from the petitioners for the inclusion of said land conditioned that the petitioners or the sureties will pay all the costs of holding such election in case such inclusion shall be denied. (Stats. 1921, p. 1000.)

Notice of election; ballots.

SEC. 92. Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district, to determine whether the boundaries of the district shall be changed as mentioned in said resolution; and shall fix the time at which such election shall be held, and cause notice thereof to be given and published. Such notice shall be given and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by said act in case of a special election to determine whether bonds of an irrigation district shall be issued. The ballots cast at said election shall contain the words "For change of boundary," or "Against change of boundary," or words equivalent thereto. The notice of election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

Majority vote to decide election.

SEC. 93. If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall order that said petition be denied, and shall proceed no further in that matter. But if a majority of such votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district, and for that purpose the board may cause a survey of such portions thereof to be made as the board may deem necessary.

Order of board to be recorded.

SEC. 94. Upon a change of the boundaries of a district being made, a copy of the order of the board of directors ordering such change, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district, and thereupon the district shall be and remain an irrigation district, as fully, and to every intent and purpose, as if the lands which are included in the district by the change of the boundaries, as aforesaid, had been included therein at the original organization of the district.

Recording petition in minutes.

SEC. 95. Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid; and the said minutes, or a certified copy thereof, shall be admissible in evidence, with the same effect as the petition.

Rights of guardians, executors and administrators.

SEC. 96. A guardian, an executor, or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereunto authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act mentioned, why the boundaries of the district should not be changed.

Redivision of district.

SEC. 97. In case land is included within any district as aforesaid, the board of directors thereof shall, but not less than thirty days before any election in such district, reestablish the boundaries of the divisions and election precincts within such district, so as to include such land therein and so as to make such divisions as nearly equal in size and population as may be practicable. In case of the inclusion of any land less than thirty days before an election within such district, the inhabitants of the land so included shall not be entitled to vote at such election. (Stats. 1921, p. 861.)

REDUCTION OF BONDED INDEBTEDNESS.

Election on question of reducing bonded indebtedness.

SEC. 98. Whenever the board of directors of an irrigation district heretofore organized, or hereafter organized under the provisions of this act, shall determine that the authorized bonded indebtedness of such irrigation district is greater than such district is liable to need to complete its system as planned, and there be no outstanding bonds, the board of directors may call a special election for the purpose of voting upon a proposition to reduce such bonded indebtedness to such sum as the board may determine to be sufficient for such purpose.

Notice of election; ballots.

SEC. 99. Notice of the said election shall be given in the same manner as provided in section thirty of said act, in relation to calling special elections for issuance of bonds. The notice of election must state the amount of the authorized bonded indebtedness of such district, and the amount to which it is proposed to reduce the same; also, the date on which said election will be held, and the polling places, as established, by said board of directors. The ballots cast at said election shall contain the words "For reducing bonds—Yes," or "For reducing bonds—No." When the vote is canvassed by the board of directors and entered of record, if a majority of the votes cast shall be "For reducing bonds—Yes," then in that event the board of directors shall only be empowered to issue or sell such amount of bonds as was stipulated in the said notice of such special election; but if a majority of said votes are not "For reducing bonds—Yes," then the authority to issue bonds shall remain the same as before said special election was held.

Assent of bondholders.

SEC. 99½. In case there be outstanding bonds of any district desiring to take advantage of the provisions of this act concerning reduction of bonded indebtedness, the assent of such bondholders may be obtained to such reduction of the bonded indebtedness, in the same manner as provided in section seventy-nine of this act. If such assent is obtained in the manner therein provided, then, and in that event, such district shall be empowered to take advantage of all the provisions of this act, but not otherwise. No reduction of the bonded indebtedness, as in this act provided, shall in any manner affect any order of court that may have been made, adjudicating and confirming the validity of said bonds.

LEASE OF WATER.

Authority of board to lease.

SEC. 100. Whenever any irrigation district, heretofore organized, or hereafter organized under the provisions of this act, in the development of its works as by law provided, may have opportunity, without increased expenditure, to utilize the water by it owned or controlled, for mechanical purposes not inconsistent with the provisions of said act, the board of directors may lease the same, as in this act hereinafter provided.

Manner of procedure.

SEC. 101. Whenever the board of directors may desire to lease the use of water, as hereinbefore stated, they shall pass a resolution of intention to so lease the same. Immediately thereafter the secretary shall cause notice of such intention to be given by publication in one newspaper published in each county in which lands of the district are situated, for at least twenty days (provided, a newspaper is published therein, otherwise in any newspaper the board of directors may select), and, if the board thinks proper in such other newspapers as may be deemed advisable, calling for bids for the leasing of said water for the purposes hereinbefore mentioned. Said notice shall state that the board will receive sealed proposals therefor, that the lease will be let to the highest responsible bidder, stating the time and place of opening said proposals.

Opening proposals.

SEC. 102. At the time and place appointed the board shall proceed to open the proposals in public. As soon thereafter as may be convenient the board shall let said lease in portions, or as a whole, to the highest responsible bidder, or they may reject any or all bids, and readvertise for proposals for the same.

Rentals.

SEC. 103. The rental accruing upon said lease may vary from year to year, as shall be specified in said lease, and shall be payable semi-annually, on the thirtieth day of December and thirtieth day of June of each year. All moneys collected, as in this act provided, shall be paid into the treasury, and be apportioned to such funds as may be deemed advisable.

Length of lease; forfeiture.

SEC. 104. The board shall have power, as in this act provided, to execute a lease for any period not exceeding twenty-five years. If at any time the rental shall not be paid on the days hereinbefore mentioned, the amount of such rental then due shall be doubled, and if not paid within ninety days thereafter, the said lease shall be forfeited to said district, together with any and all works constructed, owned, used, or controlled by said lessee.

Bond of lessee.

SEC. 105. Upon the letting of any lease, as in this act provided, the board may require the lessee to execute a bond for the faithful performance of the covenants of said lease, or give such other evidence of good faith as in their judgment may be necessary.

DESTRUCTION OF UNSOLD BONDS.

Election on question of destroying unsold bonds.

SEC. 106. Whenever there remains in the hands of the board of directors of any irrigation district heretofore organized, or organized under the provisions of this act, after the completion of its ditch system, and the payment of all demands against such district, any bonds voted

to be issued by said district, but not sold, and not necessary to be sold for the raising of funds for the use of such district, said board of directors may call a special election for the purpose of voting upon a proposition to destroy said unsold bonds, or so many of them as may be deemed best, or may submit such proposition at a general election.

Notice of election; ballots.

SEC. 107. Such election shall be held in the same manner as other elections held under the provisions of this act. A notice of such election shall be given in the same manner as provided in section thirty of this act in relation to calling special elections for the issuance of bonds. The notice of election must state the amount of the bonded indebtedness of such district authorized by the vote of the district, the amount of the bonds remaining unsold, and the amount proposed to be destroyed, and the date on which such election is proposed to be held, and the polling places as fixed by the board of directors. The ballots to be cast at such election shall contain the words "For destroying bonds—Yes," and "For destroying bonds—No," and the voter must erase the word "No" in case he favors the destruction of bonds, otherwise the word "Yes."

Two-thirds majority required.

SEC. 108. When the vote is canvassed by the board of directors and entered of record, if a two-thirds majority of the votes cast should be found to be in favor of the destruction of said bonds, then the president of the board, in the presence of a majority of the members of the board, must destroy the bonds so voted to be destroyed; and the total amount of bonds so destroyed and canceled shall be deducted from the sum authorized to be issued by the electors of said district, and no part thereof shall thereafter be reprinted or reissued.

SAVING CLAUSES.

Existing districts and existing rights not affected.

SEC. 109. Nothing in this act shall be so construed as to affect the validity of any district heretofore organized under the laws of this state, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; but said districts are hereby made subject to the provisions of this act so far as applicable; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for, or upon which it was or might become liable or chargeable had not this act been passed; nor shall it affect the validity of any bonds which have been issued but not sold; nor shall it affect any action which now may be pending.

Tulare Irr. Dist. vs. *Collins,* 154 Cal. 440–2;
Board of Supervisors vs. *Thompson,* 122 Fed. 860–2.

Name of district.

SEC. 109*a*. The name of any district hereafter organized hereunder shall contain either the words "irrigation district" or "water conservation district." Any district heretofore or hereafter organized and existing, the name of which shall include the words "irrigation

district'' may change its said name by substituting for the word ''irrigation,'' ''water conservation'' by filing with the board of supervisors with which was filed the original petition for the organization of the district, a certified copy of a resolution of its board of directors adopted by the unanimous vote of all the members of said board at a regular meeting thereof providing for such change of name; and thereafter all proceedings of such district shall be had under such changed name, but all existing obligations and contracts of the district entered into under its former name shall remain outstanding without change and with the validity thereof unimpaired and unaffected by such change of name. (Stats. 1921, p. 1110.)

Effect on prior acts.

SEC. 110. Nothing in this act shall be construed as repealing or in any wise modifying the provisions of any other act relating to the subject of irrigation or water commissioners, except such as may be contained in the act, an act entitled an act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes, approved March seventh, eighteen hundred and eighty-seven, and the subsequent acts supplementary thereto, and amendatory thereof, all of which acts, so far as they may be inconsistent herewith, are hereby repealed.

Board of Supervisors vs. *Thompson*, 122 Fed. 860.

Time of taking effect.

SEC. 111. This act shall take effect from and after its passage and approval.

Title of act.

SEC. 112. This act may be referred to in any action, proceeding or legislative enactment as ''the California irrigation district act.'' (Stats. 1919, p. 669.)

Constitutionality:

Act is constitutional.

Turlock Irrigation District vs. *Williams*, 76 Cal. 360;
Board of Directors vs. *Tregea*, 88 Cal. 334;
In re Madera Irrigation District, 92 Cal. 296;
In re Central Irrigation District, 117 Cal. 382;
Matter of Bonds of South San Joaquin Irrigation District, 161 Cal. 345;
Fallbrook Irrigation District vs. *Bradley*, 164 U. S. 112, 41 L. Ed. 369.

Public corporation:

Irrigation district is public corporation or *quasi* corporation.

Turlock Irrigation District vs. *Williams*, 76 Cal. 360;
Central Irrigation District vs. *DeLappe*, 79 Cal. 351;
Crall vs. *Poso Irrigation District*, 87 Cal. 140;
In re Madera Irrigation District, 92 Cal. 296;
People vs. *Selma Irrigation District*, 98 Cal. 206;
People vs. *Turnbull*, 93 Cal. 630;
Tulare Irrigation District vs. *Collins*, 154 Cal. 440;
Bettencourt vs. *Industrial Accident Commission*, 175 Cal. 559;
Turlock Irr. Dist. vs. *White* (Cal), 198 Pac. 1060;
People vs. *Cardiff Irr. Dist.*, 34 C. A. D. 451;
Lindsay-Strathmore Irr. Dist. vs. *Superior Court*, 182 Cal. 315.

Validity of organization:

May not be questioned by private party.

Miller vs. *Perris Irrigation District*, 85 Fed. 693.

Can not be attacked collaterally.

Quint vs. *Hoffman*, 103 Cal. 506;
Knowles vs. *New Sweden Irrigation District* (Idaho), 101 Pac. 81;
Quinton vs. *Equitable Investment Company*, 196 Fed. 314;
Tulare Irrigation District vs. *Shepard*, 185 U. S. 1.

District may not plead the illegality of its own organization to defeat payment of bonds.

Herring vs. *Modesto Irrigation District*, 95 Fed. 705;
Tulare Irrigation District vs. *Shepard*, 185 U. S. 1.

Construction of act:

Act should be so construed as to effectuate its purpose to facilitate the economic and permanent reclamation of arid lands.

Jennison vs. *Redfield*, 149 Cal. 500;
Nampa and Meridian Irrigation District vs. *Petric* (Idaho), 153 Pac. 425;
Colburn vs. *Wilson et al.* (Idaho), 132 Pac. 579.

ASSESSMENTS, PAYMENT IN TWO INSTALLMENTS.

An act to permit boards of directors or irrigation districts organized or existing under and by virtue of an act of the legislature, entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said act.

(Approved March 19, 1909, Stats. 1909, p. 415.)

Payment of assessments in two installments.

SECTION 1. It shall be lawful for boards of directors of irrigation districts, organized or existing under or by virtue of an act of the legislature, entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts and also, to provide for the distribution of water for irrigation purposes"; approved March 31, 1897; to provide for the payment of assessments levied in accordance with the provision of said act, in two installments.

Resolution by directors.

SEC. 2. The directors of any such irrigation district may, whenever they shall so determine, and must upon a petition in writing, signed by a majority of the assessment payers within such district, pass a resolution providing that thereafter all assessments, except special assessments provided for by section thirty-four of said act of 1897, shall be payable in two installments, and in said resolution shall specify when such payments may be made.

Time of passing or rescinding resolution.

SEC. 3. Such resolution must be passed before the first Monday in August, and can not be rescinded to take effect during any year after the first Monday of March in that year.

When assessments become delinquent.

SEC. 4. Whenever the board of directors of such irrigation district shall have so determined, thereafter one-half of the assessments levied within such district shall become delinquent at six o'clock p.m. on the last Monday of December, and one-half thereof shall become delinquent at six p.m. on the last Monday of June next thereafter; *provided,* that where an assessment has been levied as provided in section 34 of said act the whole of such assessment shall become delinquent on the last Monday in December.

Effect of act.

SEC. 5. When provision is made, as herein provided, for the payment of said assessments in two installments, the publication of the delinquent list provided for in said act, shall not be made before the first day of July, but must be made on or before the first day of August, and except as otherwise herein provided all of the provisions of said irrigation act or acts not inconsistent with this act relative to the assessment, payment and collection of assessments, notice of assessments, publication of delinquent list, and sale for delinquent assessment, and all other provisions relative to such assessments shall be applicable, and the only effect of this act shall be to permit the payment of such assessments in two intallments, and to postpone the notice of sale and sale provided for in said act until after the first day of July, and when sale is made at the time herein specified it shall have the same effect as though made at the time and in the manner specified in said act of 1897.

ASSESSMENT OF PUBLIC LANDS SUBJECT TO ENTRY.

An act to promote the reclamation of arid land and to provide that certain land belonging to the State of California, within the boundaries of an irrigation district shall be subject to the assessments levied in said district.

(Approved May 25, 1917, Stats. 1917, p. 936.)

State lands in district to be assessed.

SECTION 1. Whenever there shall be included in any irrigation district organized and existing under the laws of this state, public lands belonging to the state subject to entry, or which have been entered, and for which no certificates of purchase have been issued, such lands are hereby made and declared to be subject to all of the provisions of law relating to the organization, government and regulation of irrigation districts to the same extent and in the same manner in which the lands of a like character held under private ownership are or may be subject to such law; *provided, however,* that nothing herein contained shall be construed as creating any obligation against the State of California to pay any of said charges, assessment or debt.

Notice served on surveyor general.

SEC. 2. All notices required by the act under which such district is organized shall, as soon as such notices are issued, be served upon the surveyor general of the State of California by mailing to his office a copy thereof enclosed in a sealed envelope with postage prepaid.

Assessment a lien.

SEC. 3. No public lands which were unentered at the time any assessment was levied against the same by such irrigation district shall be sold for such assessment, but such assessment shall be and continue a lien upon such land, and no patent shall issue therefor until the applicant shall present a certificate from the proper district officer showing that no unpaid assessments or charges are due and delinquent against said land.

BOND CERTIFICATION COMMISSION.

An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized.

(Approved June 13, 1913, Stats. 1913, p. 778. Amended Stats., 1915, p. 692; 1917, p. 582; 1919, p. 1207; 1921, p. 1198.)

Resolution declaring bonds available as legal investments.

SECTION 1. Whenever the board of directors of any irrigation district organized and existing under and pursuant to the laws of the State of California shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of said district, including any of its bonds authorized but not sold, shall be made available for the purposes provided for in section seven of this act, the said board of directors shall thereupon file a certified copy of such resolution with the commission hereinafter provided for.

Report of irrigation district bond commission.

SEC. 2. Such commission, upon the receipt of a certified copy of such resolution, shall, without delay, make or cause to be made an investigation of the affairs of the district and report in writing upon such matters as it may deem essential, and particularly upon the following points:

(*a*) The supply of water available for the project and the right of the district to so much water as may be needed.

(*b*) The nature of the soil as to its fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation and the probable need of drainage.

(*c*) The feasibility of the district's irrigation system and of the specific project for which the bonds under consideration are desired or have been used, whether such system and project be constructed, projected or partially completed.

(*d*) The reasonable market value of the water, water rights, canals, reservoirs, reservoir sites and irrigation works owned by such district or to be acquired or constructed by it with the proceeds of any of such bonds.

(*e*) The reasonable market value of the lands included within the boundaries of the district.

(*f*) Whether or not the aggregate amount of the bonds under consideration and any other outstanding bonds of said district, including bonds authorized but not sold, exceeds sixty per centum of the aggregate market value of the lands within said district and of the water, water rights, canal, reservoirs, reservoir sites, and irrigation works owned, or to be acquired or constructed with the proceeds of any of said bonds, by said district, as determined in accordance with paragraphs (*d*) and (*e*) in this section.

(*g*) The numbers, date or dates of issue and denominations of the bonds, if any, which the commission shall find are available for the purposes provided for in section seven of this act, and, if the investigation has covered contemplated bonds, the total amount of bonds which the district can issue without exceeding the limitation expressed in paragraph (*f*) of this section.

Certification by state controller.

SEC. 3. The written report of the investigation herein provided for shall be filed in the office of the state controller, and a copy of said report shall by the commission be forwarded to the secretary of the district for which the investigation shall have been made, and if said commission shall have found, as set out in said report, that the irrigation system of the district and the specific project for which the bonds under consideration are desired or have been used, whether such project be constructed, projected or partially completed, are feasible and that the aggregate amount of the bonds under consideration and any other outstanding bonds of said district, including bonds authorized but not sold, does not exceed sixty per centum of the aggregate market value of the lands within said district and of the water, water rights, canals, reservoirs, reservoir sites, and irrigation works owned or to be acquired or constructed with the proceeds of any of said bonds by said district, the bonds of such irrigation district, as described and enumerated in said report filed with the state controller, shall be certified by the state controller, as hereinafter provided for. If the commission shall be notified by the board of directors of any district whose irrigation system has been found in such report to be feasible that the district has issued bonds and the commission shall find that said bonds are for any project or projects approved in such report and that the amount of said bonds does not exceed the limitation stated in such report, the commission shall prepare and file with the state controller a supplementary report giving the numbers, date or dates of issue and denominations of said bonds, which shall then be entitled to certification by the state controller as hereinafter provided for. Subsequent issues of bonds may be made available for the purposes specified in this act upon like proceedings by said district, but, after any of the bonds of an irrigation district have been enumerated and described as entitled to certification

by the state controller as herein provided for, it shall be unlawful for that district to issue bonds that will not be entitled to such certification. It is hereby made the duty of the state controller to provide for filing and preserving the reports mentioned in this section and, also, to make, keep and preserve a record of the bonds certified by him in accordance with the provisions of section four of this act, including the date of certification, the legal title of the district, the number of each bond, its par value, the date of its issue and that of its maturity.

Provisions of section two directory.

SEC. 3*a*. The provisions of section two of this act as to the points upon which said commission shall report are directory merely and the board may authorize such certification when in their opinion, subject to the provisions otherwise contained in this act, their findings justify such action. (Stats. 1917, p. 583.)

No expenditures without consent of commission.

SEC. 3*b*. Whenever the bonds of any irrigation district have been certified as provided in this act, no expenditures shall be made from the proceeds of such bonds, nor shall any liability to be met from such proceeds be incurred, until there shall have been filed with and approved by said commission such a schedule of proposed expenditures of such proceeds as may be necessary to set forth to the satisfaction of said commission the plan proposed for carrying out the purposes for which said bonds were authorized, or such of said purposes as the district may, at the time of filing such schedule, desire to proceed with; and no expenditures from the proceeds of said bonds shall be made for any purpose not specified in such approved schedule or for any approved purpose in excess of the amount allowed therefor in such schedule without the consent of said commission; nor shall any expense of any kind be incurred in excess of money actually provided by levy of assessment or otherwise except as provided in section fifty-nine of the California irrigation district act. During the progress of any work to be paid for from the proceeds of any bond issue certified as in this act provided, the department of engineering, on behalf of the commission herein authorized, shall make from time to time, at the expense of the district, such inspection of the work as may be necessary to enable the said department to know that the plans approved by the commission are being carried out without material modification unless such modification has been approved by said commission. (Stats. 1921, p. 1198.)

Certification of bonds as needed.

SEC. 3*c*. Whenever the survey, examinations, drawings and plans of an irrigation district, and the estimate of cost based thereon, shall provide that the works necessary for a completed project shall be constructed progressively over a period of years in accordance with section thirty of the California irrigation district act, and in accordance with a plan or schedule adopted by resolution of the board of directors of the district, it shall not be necessary for the commission to certify at one time all of the bonds that have been voted for the said completed project; but such bonds may be certified from time to time as needed by

the district. If the commission shall certify all of the bonds necessary for the said completed project, even if said project is to be constructed progressively over a period of years in accordance with the aforesaid resolution of the board of directors, the bonds so voted and certified shall only be sold after prior written approval of the commission. (Stats. 1919, p. 1207.)

Form of controller's certificate.

SEC. 4. Whenever any bond of an irrigation district organized and existing as aforesaid, including any bond authorized in any such district but not sold, which shall be eligible to certification by the state controller under section three of this act, shall be presented to the state controller, he shall cause to be attached thereto a certificate in substantially the following form:

Sacramento, Cal., _____ (insert date).

I, _____, controller of the State of California, do hereby certify that the within bond, No. _____ of issue No. _____ of the _____ irrigation district, issued _____ (insert date), is, in accordance with an act of the legislature of California approved _____, a legal investment for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, trust companies, the state school funds and any funds which may be invested in county, municipal or school district bonds, and it may be deposited as security for the performance of any act whenever the bonds of any county, city, city and county, or school district may be so deposited, it being entitled to such privileges by virtue of an examination by the state engineer, the attorney general and the superintendent of banks of the State of California in pursuance of said act. The within bond may also, according to the constitution of the State of California, be used as security for the deposit of public money in banks in said state.

_____

Controller of State of California.

In case of a change in the constitution or any of the laws of this state relating to the bonds of irrigation districts, the state controller shall, if necessary, modify the above certificate so that it shall conform to the facts.

A facsimile of the controller's signature, printed or otherwise, impressed upon said certificate shall be a sufficient signing thereof; *provided*, that the imprint of the controller's seal thereon shall appear upon both the certificate and the bond over and through the printed signature. (Stats. 1915, p. 692.)

Irrigation district bond certification commission created.

SEC. 5. The attorney general, the state engineer and the superintendent of banks are hereby constituted the California bond certification commission, being the commission herein provided for, and said commission shall elect one of its members chairman and may employ such clerks and assistants as may be necessary for the performance of the duties herein imposed, and may fix the compensation to be paid to such clerks and assistants. (Stats. 1921, p. 1199.)

Expenses.

SEC. 6. All necessary expenses incurred in making the investigation and report in this act provided for shall be paid as the commission may require by the irrigation district whose property has been investigated and reported on by the said commission; *provided*, that the benefit of any services that may have been performed and any data that may have been obtained by any member of said commission or any other public official in pursuance of the requirements of any law other than this act, shall be available for the use of the commission herein provided for without charge to the district whose affairs are under investigation.

Bonds certified legal investments for trust funds, etc.

SEC. 7. All bonds certified in accordance with the terms of this act shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may, by law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or municipalities in the State of California, such money or funds may be invested in the said bonds of irrigation districts, and whenever bonds of cities, cities and counties, counties, school districts or municipalities may by any law now or hereafter enacted be used as security for the performance of any act, bonds of irrigation districts under the limitations in this act provided may be so used.[1] This act is intended to be and shall be considered the latest enactment upon the matters herein contained, and any and all acts in conflict with the provisions hereof are hereby repealed.

"Irrigation" includes "water conservation."

SEC. 8. The words "irrigation districts" wherever used herein for all purposes hereof shall be deemed to include water conservation districts. (Stats. 1921, p. 1199.)

BONDED INDEBTEDNESS, REFUNDING.

An act to authorize irrigation districts to refund outstanding bonded indebtedness.[2]

(Approved May 25, 1919, Stats. 1919, p. 1004.)

Election on question of refunding indebtedness.

SECTION 1. The board of directors of any irrigation district organized or existing under or subject to the provisions of the California irrigation district act approved March 31, 1897, as amended, providing for the organization and government of irrigation districts, that has

[1]For acts authorizing investments in irrigation district bonds, see Appendix, p. 155 hereof.

[2]See also "An act to provide for the issue and sale or exchange of funding bonds of irrigation districts organized under and in pursuance of an act of the legislature of the State of California entitled 'An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March 7, 1887, to provide for the payment of such bonds, and for proceedings to test the validity of the same," approved April 1, 1897, Stats. 1897, p. 394; amended Stats. 1901, p. 514.

an outstanding indebtedness evidenced by bonds lawfully issued prior to January 1, 1913, may, by a majority vote of the members of the board, submit to the electors of the irrigation district at any election the proposition of the issuance of new bonds for the purpose of refunding the bonds outstanding, as the same become due. Such election shall be held, and the vote thereon shall be the same as provided by the California irrigation district act for the issuance of other irrigation district bonds; *provided,* no petition therefor need be circulated or signed; *and provided, further,* that a majority of the votes of those voting on said proposition shall be sufficient to carry the same. Such bonds shall bear interest at a rate the same as or lower than the bonds to be refunded and no refunding bond shall have a later date of maturity than twenty years from the date of its issue.

Form of refunding bonds.

SEC. 2. The refunding bonds shall be issued in substantially the manner and in the form required by law for the issuance of other bonds of the district. These bonds may be sold from time to time in the same manner as other bonds of the district, or, if the directors of the district and the holders of any of the bonds reaching maturity so elect, they may be exchanged in payment of the bonds so maturing as such bonds mature.

Assessment to pay interest and principal.

SEC. 3. The board of directors shall cause to be assessed and levied each year upon the assessable property in the district, in addition to the levy authorized for other purposes, a sufficient sum to pay the interest on or any principal of such refunding bonds in the same manner as is provided in the California irrigation district act in the case of other bonds.

CANALS AND WORKS. PROTECTION OF.

SEC. 592. Every person who shall, without authority of the owner or managing agent, and with intent to defraud, take water from any canal, ditch, flume or reservoir used for the purpose of holding or conveying water for manufacturing, agricultural, mining, irrigating or generation of power, or domestic uses, or who shall without like authority, raise, lower or otherwise disturb any gate or other apparatus thereof, used for the control or measurement of water, or who shall empty or place, or cause to be emptied or placed, into any such canal, ditch, flume or reservoir, any rubbish, filth or obstruction to the free flow of the water is guilty of a misdemeanor. (Penal Code.)

SEC. 607. Every person who wilfully and maliciously cuts, breaks, injures or destroys any bridge, dam, canal, flume, aqueduct, levee, embankment, reservoir, or other structure erected to create hydraulic power, or to drain or reclaim any swamp and overflowed tide or marsh land, or to store or conduct water for mining, manufacturing, reclamation, or agricultural purposes, or for the supply of the inhabitants of any city or town, or any embankment necessary to the same, or either of them, or wilfully or maliciously makes, or causes to be made, any

aperture in such dam, canal, flume, aqueduct, reservoir, embankment, levee, or structure, with intent to injure or destroy the same; or draws up, cuts, or injures any piles fixed in the ground for the purpose of securing any sea-bank, or sea-walls, or any dock, quay, or jetty, lock, or sea wall; or who, between the first day of October and the fifteenth day of April of each year, plows up or loosens the soil in the bed or on the sides of any natural water course or channel, without removing such soil within twenty-four hours from such water course or channel; or who, between the fifteenth day of April and the first day of October of each year, shall plow up or loosen the soil in the bed or on the sides of such natural water course or channel, and shall not remove therefrom the soil so plowed up or loosened before the first day of October next thereafter, is guilty of a misdemeanor and upon conviction, punishable by a fine not less than one hundred dollars and not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding two years, or by both; *provided,* that nothing in this section shall be construed so as to in any manner prohibit any person from digging or removing soil from any such water course, or channel, for the purpose of mining. (Penal Code.)

CONSOLIDATION OF DISTRICTS.

An act to provide for the consolidation of districts organized or existing under the California irrigation district act.

(Approved June 1, 1921; Stats. 1921, p. 1018.)

Consolidation of districts.

SECTION. 1. Two or more districts organized or existing under the California irrigation district act may be consolidated as in this act provided and when so consolidated, the consolidated district shall possess all of the powers and be governed by the subject to all of the provisions of the California irrigation district act, except as in this act otherwise provided, as though originally organized under said act.

Petition.

SEC. 2. When in the judgment of the board of directors of an irrigation district it is for the best interest of such district that it be consolidated with one or more other districts organized or existing under said California irrigation district act or when there is presented to said board a petition signed by signers equal in numbers to and possessing the qualifications required by said California irrigation district act for a petition for the organization of a district, said board must pass a resolution reciting such facts and declaring the advisability of such consolidation and its willingness to consolidate and forward a copy thereof to the state engineer.

Investigation.

SEC. 3. Upon the receipt of the certified copy of such resolution adopted by two or more of such districts the state engineer shall forthwith make or cause to be made such investigation as he may deem necessary.

If report favorable.

SEC. 4. Upon the completion of such examination but not more than ninety (90) days after the receipt by him of a copy of the resolution from the board last adopting the same the state engineer shall submit to the board of directors of each of said districts his report thereon.

In case said state engineer shall consider the elimination of a portion of the lands included in any of the original districts advisable, he shall recommend the same in his said report, stating his reasons therefor. He shall also set out the boundaries of the consolidated district recommended and the divisions into which it is to be divided, the same being five in number.

If any of said lands so eliminated have never received water from the original district in which it was included, the owners thereof shall be entitled to the return of all assessments theretofore paid upon same. If any of said lands have theretofore received water, the said state engineer shall recommend in his said report the portion, if any, of said assessments to the return of which the respective owners are equitably entitled.

Election.

Within ten (10) days after receiving said report, if the state engineer deems such consolidation desirable, the board of directors of each of said districts must make an order calling a special election at which shall be submitted to the electors of such district possessing the qualifications prescribed by the California irrigation district act the question whether or not said consolidation shall be effected, which said election shall be conducted so far as practicable in accordance with the requirements for the election of officers provided in said act. Notice of such election shall be given for the time and in the manner provided for notice of special elections for the issuance of bonds in said California irrigation district act. The ballots shall contain the words "Consolidation—Yes" and "Consolidation—No," or words equivalent thereto, and if a majority of the votes cast in each district are "Consolidation—Yes," then such districts shall be consolidated.

At such election there shall also be elected the directors and other officers of the consolidated district who shall be nominated and voted for as provided upon the organization of a district.

If report unfavorable.

SEC. 6. After receiving said report, if the said engineer deems such consolidation not desirable, or if no report is received from said engineer within ninety (90) days after the submission to him of said copy of said resolution from the board last adopting the same, said boards of directors, if they each shall determine and declare by resolution that the proposed consolidation is desirable, shall each make an order calling a special election in the same manner as provided in section five[1] hereof, which said election shall be conducted in the same manner and upon the same notice as provided therein.

[1]The act contains no section 5; reference evidently intended to apply to the fourth and fifth paragraphs of section 4.

Offices.

SEC. 7. In the original resolution of consolidation the boards of directors of the several districts shall specify the offices agreed upon for the consolidated district and upon the voters of said districts consolidating said districts as herein provided, the directors and other officers then elected shall thereupon become the officers of such consolidated district and shall qualify and organize in the manner provided for a newly organized district.

Apportionment of indebtedness.

SEC. 8. The report of the said engineer shall recommend the apportionment to the lands of the respective districts any outstanding indebtedness as he deems equitable, and the board of directors of the consolidated district, if such consolidation be made, shall within sixty (60) days after such consolidation act upon such recommendation and shall apportion to the lands of the said consolidated district any outstanding indebtedness as it deems equitable.

Name and powers of district.

SEC. 9. In the original resolution of consolidation the said boards of directors of the several districts shall specify the name agreed upon for the said consolidated district, and if such consolidation is adopted at such election, then said consolidation shall be effective and such consolidated district, under the said name, shall succeed to all of the rights, privileges and properties of all of the districts participating in such consolidation and shall be subject to all of the indebtedness, bonded and otherwise, thereof, as so respectively apportioned, and all future assessments necessary shall be levied in accordance with such apportionment.

Within ten days after said consolidation is made, the board of directors of said consolidated district shall make an order declaring such consolidation effective and setting out the date that same became effective and the boundaries of said consolidated district. A copy of said order, duly certified by the president and secretary thereof, shall be forthwith filed for record in the office of the county recorder of each county in which any lands of said district are situate.

COOPERATIVE AGREEMENTS WITH DISTRICTS IN OTHER STATES.

An act to provide for cooperation in acquisition, construction and management of irrigation and drainage works between irrigation districts organized or existing under or by virtue of an act entitled "An act to provide for organization and government of irrigation districts and to provide for the acquisition thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, and contiguous or adjoining districts in or organized under the laws of other states.

(Approved May 23, 1917; Stats. 1917, p. 905.)

Cooperation with districts in adjoining states.

SECTION 1. It shall be lawful for irrigation districts organized or existing under or by virtue of an act entitled "An act to provide for

the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes,'' approved March 31, 1897, to enter into agreements with irrigation districts in adjoining states for the joint construction, acquisition, management and control of diverting, impounding or distributing works for irrigation or draining lands within the boundaries of their respective districts.

Contracts.

SEC. 2. Such agreements may be evidenced by written contracts executed on behalf of their respective boards of directors or trustees, or by resolutions entered upon their respective minutes. Such contracts or certified copies thereof and certified copies of such resolutions shall be recorded in the office of the county recorder in each county in which is situated any of the lands of said districts or any of the reservoir sites or other real property owned by said districts or acquired under the provisions of this act.

Property interests.

SEC. 3. Such agreements may provide for joint or several ownership or ownership in common of the property, necessary or convenient for the purposes of this act and may provide for the terms and conditions under which or the respective proportions in which such property shall be held. Any rights or disputes arising out of or from said agreements may be tried before and enforced by any court of competent jurisdiction in the state.

Meetings.

SEC. 4. Any meeting of the board of directors of any such district, held in conjunction with the board of directors of the cooperating district, in such district in the adjoining state, if duly and regularly called as required by law or if regularly adjourned to, shall be as lawful and valid as if held at the office of the board of directors of such district in this state.

Diversion of water.

SEC. 5. It shall be lawful, for the purposes of such cooperative action to divert water from this state for impounding in the adjoining state or otherwise for distribution to the lands of the cooperating districts regardless of the state in which such lands are situated or to divert water from such adjoining state for impounding or otherwise for distribution to the lands of such cooperating districts in this or the adjoining state.

Property outside state.

SEC. 6. So far as may be necessary for fully carrying out the purposes of this act such cooperating district in the adjoining state may hold title to property, in this state and such cooperating district in this state may hold title to property in the adjoining state.

COOPERATION UNDER FEDERAL TWENTY-YEAR EXTENSION ACT.

An act authorizing and empowering irrigation and reclamation districts to enter into contracts with the United States reclamation service for the reclamation of lands within such districts under the provisions of the so-called "twenty year extension act."

(Approved May 21, 1917; Stats. 1917, p. 781.)

Contracts with reclamation service.

SECTION 1. The board of trustees, or directors of any irrigation or reclamation district now organized under the provisions of the laws of the State of California, or of any irrigation or reclamation district hereafter organized under the laws of the State of California, may, in their discretion, whenever it is determined by such board that it is for the best interests of such districts, enter into a contract with the proper officers of the United States Reclamation Service for the reclamation, either by drainage or irrigation of lands within the boundaries of such district, or by preventing high water from overflowing the same, under the provisions of an act of congress approved August 13, 1914, entitled "An act extending the period of payment under reclamation projects, and for other purposes," which act is commonly known as the twenty year extension act, and from and after the execution of such contract, the amount of indebtedness created thereby shall be and become a lien upon the lands to be benefited by such reclamation work.

Payments.

SEC. 2. The board of trustees or directors of any irrigation or reclamation district above mentioned, shall provide by a resolution duly adopted at a regular meeting, or special meeting of such board called for the purpose, for the payments of the amounts to become due under the contract with the United States, according to the provisions of such contract, by assessment upon the lands, in such district, which are to be benefited by such work, such assessment to be collected by the tax collector of the county within which such lands are situated, the same as other taxes are collected, or by any other officer authorized by law to collect assessments within said district.

COOPERATION WITH FEDERAL GOVERNMENT FOR CONSTRUCTION, OPERATION, OR MAINTENANCE OF WORKS.

An act to authorize irrigation districts to cooperate and contract with the United States under the provisions of the federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works, or for the assumption by the district of indebtedness to the United States on account of district land; and to provide the manner and method of payments to the United States under such contract, and for the apportionment of assessments, and levy thereof, upon the lands of the district

to secure revenue for such payments, and to provide for the judicial review and determination of the validity of the proceedings in connection with such contract.

(Approved May 5, 1917; Stats. 1917, p. 243.)

Contracts with United States—irrigation or drainage.

SECTION 1. In addition to the powers with which irrigation districts have been vested under the act approved March 31, 1897, and acts amendatory thereof or supplementary thereto and acts of or to which said act is amendatory or supplementary, irrigation districts heretofore or hereafter organized under said acts shall have the following powers: To cooperate and contract with the United States under the federal reclamation act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or any other act of congress heretofore or hereafter enacted authorizing or permitting such cooperation, for purposes of construction of works, whether for irrigation or drainage, or both, or for the acquisition, purchase, extension, operation or maintenance of constructed works, or for a water supply, or for the assumption as principal or guarantor of indebtedness to the United States on account of district lands.

General powers of district.

SEC. 2. The board of directors shall generally perform all such acts as shall be necessary to carry out the enlarged powers in this act enumerated. Said board may enter into any obligation or contract with the United States for the aforesaid purposes, and may provide therein for the delivery and distribution of water for the lands of such district under the aforesaid acts of congress and the rules and regulations established thereunder. The contract may provide for the conveyance to the United States as partial consideration for the privileges obtained by the district under said contract, of water rights or other property of the district; and in case contract has been or may hereafter be made with the United States as herein provided, bonds of the district may be transferred to, or deposited with the United States, if so provided by said contract and authorized as hereinafter set forth, at not less than ninety-five per cent of their par value, to the amount to be paid by the district to United States or any part theerof; the interest, or principal, or both, on said bonds to be raised by assessment and levy as hereinafter prescribed, and to be regularly paid to the United States and applied as provided in said contract. Bonds transferred to or deposited with the United States may call for the payment of such interest not exceeding six per cent per annum, may be of such denomination, and may call for the repayment of the principal at such times as may be agreed upon between the board and the secretary of the interior. The contract with the United States may likewise call for the payment of the amount or amounts to be paid by the district to the United States or any part thereof at such times and in such installments and with such interest charges not exceeding the aforesaid rate as may be agreed upon, and for assessment and levy therefor as hereinafter provided. Moreover the board may accept on behalf of the district, appointment of the district as fiscal agent of the United States, or

authorization of the district by the United States to make collection of moneys for or on behalf of the United States in connection with any federal reclamation project whereupon the district shall be authorized so to act and to assume the duties and liabilities incident to such action, and the said board shall have full power to do any and all things required by the federal statutes now or hereafter enacted in connection therewith, and all things required by the rules and regulations now or that may hereafter be established by any department of the federal government in regard thereto. Districts cooperating with the United States may rent or lease water to private lands, entrymen, or municipalities in the neighborhood of the district, in pursuance of contract with the United States.

Election.

SEC. 3. Any proposal to enter into a contract with the United States for the repayment of construction moneys, the cost of a water supply or the acquisition of property, and to issue bonds, if any be proposed, shall be voted upon at an election wherein proceedings shall be had in so far as applicable in the manner provided in the case of the ordinary issuance of district bonds. Said proposal, with such plans and estimates of cost as have been made in connection therewith, shall be submitted to the state engineer for his examination and report, and the proceedings in that regard shall be in accord with section thirty of the act approved March 31, 1897, as amended, in so far as the same may be applicable. Notice of the election herein provided for shall contain in addition to the information required in the case of ordinary bond election a statement of the maximum amount of money to be payable to the United States for construction purposes, cost of water supply and acquisition of property, exclusive of penalties and interest, together with a general statement of the property, if any, to be conveyed by the district as hereinabove provided. The ballots at such election shall contain a brief statement of the general purpose of said contract and the amount of the obligation to be assumed, as aforesaid, with the words "Contract—Yes" and "Contract—No," or "Contract and bonds—Yes" and "Contracts and bonds—No," as the case may be. The board of directors may submit any such contract or proposed contract and bond issue if any, to the superior court of the county wherein is located the office of said board to determine the validity thereof and the authority of the board to enter into such contract, and the authority for and validity of the issuance and deposit or transfer of said bonds; whereupon the same proceedings shall be had as in the ordinary case of the judicial determination of the validity of bonds and with like effect.

Distribution of water.

SEC. 4. All water, the right to the use of which is acquired by the district under any contract with the United States shall be distributed and apportioned by the district in accordance with the acts of congress applicable thereto, the rules and regulations of the secretary of the interior thereunder, and the provisions of said contract, and provision may be made in the contract between the district and the United States

for the refusal of water service to any or all lands which may become delinquent in the payment of any assessment levied for the purpose of carrying out any contract between the district and the United States.

Rights of way.

SEC. 5. Any rights of way or other property owned or acquired by the district may be conveyed by the board to the United States in so far as the same may be needed for the construction, operation and maintenance of works by the United States for the benefit of the district under any contract that may be entered into with the United States pursuant to this act.

Assessments.

SEC. 6. All payments due or to become due to the United States under any contract between the district and the United States, including such payments of interest and principal on bonds as may be required in connection with a deposit or transfer thereof to the United States, shall be paid, unless otherwise provided by contract, by revenue derived from annual assessments, apportioned as hereinafter prescribed, and levies thereof, upon such real property within the district as may be assessable for district purposes under the laws of the state, and such real property shall be and remain liable to be assessed and levied upon for such payments as herein provided. It shall be the duty of the board of directors annually to levy an assessment sufficient to raise the money necessary to meet all payments when due as provided in the contract. All money collected in pursuance of such contract by assessments and levies, or otherwise, shall be paid into the district treasury and held in a fund to be known as the "United States contract fund," to be used for payments due to the United States under any such contract. Public lands of the United States within any district shall be subject to assessment for all purposes of this act to the extent provided for by the act of congress approved August 11, 1916, entitled "An act to promote reclamation of arid lands," or any other law which may hereafter be enacted by congress in the same relation, upon full compliance therewith by the district. Nothing in this act contained shall be construed to relieve the district from obligation to pay as a district in case of default of any land, unless so provided by the said contract between the district and the United States.

SEC. 7. The assessment required in any year to meet the payment due to the United States for all purposes under the contract as in this act provided may be apportioned in accordance with the benefits, and in the ascertainment of such benefits there shall be taken into account the provisions of the contract between the United States and the district, the federal laws applicable thereto, and the notices and regulations issued in pursuance of said laws, and in case such contract is for the assumption by the district as principal or guarantor of indebtedness to the United States theretofore existing on account of district lands, there shall be further taken into account the provisions of existing contracts carrying such indebtedness and the amounts of such liens as may be released in pursuance of the contract between the United States and the district.

Change in district boundaries.

SEC. 8. Where contract shall have been entered into between the United States and any irrigation district the district shall not be dissolved, nor shall the boundaries be changed, except upon written consent of the secretary of the interior filed with the official records of the district. If such consent be given and lands be excluded, the areas excluded shall be free from all liens and charges for payments to become due to the United States.

Saving clause.

SEC. 9. The provisions of the general irrigation district act, approved March 31, 1897, and acts amendatory thereof or supplemental thereto, shall be and remain in force as regards irrigation districts in this act referred to except in so far as herein modified expressly or by necessary implication; and nothing in this act shall be so construed as to affect irrigation district operations not related to cooperation with the United States. However, the provisions of section fifty-three[1] of said act, approved March 31, 1897, shall not apply in case of any contract between an irrigation district and the United States.

DAMS, SUPERVISION OF.

An act to appropriate money to be expended by and under the direction of the department of engineering for the purpose of rectifying and improving the channels of the Sacramento, San Joaquin and Feather rivers and such other waters of the state as the department of engineering may determine; improving the navigability of such waters and acquiring land for necessary rights of way therefor; making surveys, investigations and report upon the feasibility of canalizing the rivers of the state and constructing canals for navigation, and making surveys, investigations and plans for flood control; the examination and supervision of dams; the investigation of rainfall, snowfall and runoff affecting navigation and flood control; and giving the department of engineering authority over dams, making it unlawful to construct or maintain dams in a dangerous condition and providing penalties for violations of the act and directing who shall prosecute such violations.

(Approved May 14, 1917; Stats. 1917, p. 516.)

SEC. 2. (a) All dams in the State of California, other than those for impounding mining debris constructed under the authority of the California debris commission, or dams constructed by a municipal corporation maintaining a department of engineering, shall be under the authority of the state department of engineering, and the department shall exercise supervision over any dam, the failure of which would endanger life or property, and shall have power to prescribe and enforce compliance with measures for making such dams safe against failure; *provided,* that this section shall not apply to any dam which is part of a "water system" as defined in section two of the public utilities act

[1]See page 51 hereof.

of this state, and nothing in this act shall be construed to limit the jurisdiction of the railroad commission over such dams.

(b) It shall be unlawful for any person, firm, corporation or district to construct, maintain or operate any dam known to be unsafe, or which if the destruction or failure thereof would endanger life or property; or to construct, reconstruct, repair or improve, maintain or operate any dam which is or would be ten feet or more in height or which will impound water or other fluid to the amount of three million gallons unless the plans, specifications and construction thereof shall have been approved in writing by the state department of engineering.

(c) Any person, firm, corporation or district who shall violate the provisions of this section is subject to a penalty of not less than five hundred nor more than two thousand dollars for each and every offense. Each day that such violation of the provisions of this section shall continue shall be deemed and considered a separate and distinct offense.

(d) Any person acting for himself as owner, or as director, officer, agent or employee of any firm, corporation or district engaged in the construction, reconstruction, improvement or repair of any dam, the plans and specifications of which have been approved by the department of engineering, or any contractor, or agent or employee of such contractor, who shall knowingly permit work to be executed thereon contrary to the plans and specifications approved as aforesaid, or any inspector or employee of the department of engineering who shall have knowledge of such work being done and fail to immediately notify the department of engineering thereof, is guilty of a felony and subject to the penalty of confinement in the state penitentiary for not less than one nor more than five years.

(e) Upon the complaint of the department of engineering any district attorney is hereby authorized and directed to prosecute violations of the provisions of this section.

DISSOLUTION OF DISTRICT[1].

VOLUNTARY DISSOLUTION.

An act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

(Approved February 10, 1903, Stats. 1903, p. 3. Amended 1909, p. 139; 1911, Ex. Sess.:118; 1913:39; 1915:859.)

District may dissolve.

SECTION 1. Any irrigation district organized under the provisions of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and all acts supplementary thereto or amendatory thereof, including an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, may be dissolved in the manner hereinafter provided; *provided,* that in case a contract authorized by law has been made between the district and the United States for the construction, operation and maintenance of the necessary works for the delivery of water or for a water supply, no such district shall be dissolved and no proceedings entertained by any court or otherwise looking to the dissolution of such district, until the written assent of the secretary of the interior be given to such dissolution. (Stats. 1915, p. 859.)

Petition.

SEC. 2. A majority in number of the holders of title, or evidence of title, to real property in any irrigation district, and a majority in value of said property according to the equalized assessment roll of said district for the year last preceding upon which any assessment has been made, may propose the dissolution of said district by a petition signed by such majority, which petition shall set forth the amount of the outstanding bonds, coupons, and other indebtedness, if such there be, together with a general description of the same, and the holders, so far as known, showing the amount of each description of indebtedness and the ownership, so far as known, of the same. Also the estimated cost of the dissolution of said district. Said petition shall also state the assets of said district, including irrigation system, if any, dams, reservoirs, canals, franchises, water rights, a detailed statement of all the lands sold to the district for assessments, and the amount of the assessments on each parcel of land sold, also all assessments unpaid, and the amount upon each lot or tract of land, and all other assets of the district; and in case any proposition has been made by the holders

[1]Sale or lease and operation of canal and works of dissolved district.
Escondido Mut. Water Co. vs. *Escondido,* 169 Cal. 774;
Byington vs. *Sac. Valley Westside Canal Company,* 170 Cal. 124.

of said indebtedness to settle the same, said proposition, together with any plan proposed to carry the same into execution, shall be included in said petition.

SEC. 2½. (Added, Stats. 1911, Ex. Sess., p. 118; probably superseded by Sec. 2*a*, added Stats. 1913, p. 39.)

Election.

SEC. 2*a*. In case an irrigation district has no indebtedness not barred by the statute of limitations and no assets and has ceased to be a going concern and has no irrigation system by which it conveys water for irrigation or domestic purposes to any of the residents of such district, the petition for dissolution mentioned in section two of said act shall contain statements showing such facts and also that it is the desire of the signers of such petition to have said district dissolved, and such petition need not contain any other statement or allegation, and such petition need only be signed by two-thirds of the qualified electors residing in such district, and by the holders of title or evidence of title representing at least fifty per cent of the acreage within said district and not less than fifty per cent in value of all lands lying within the exterior boundaries of said district, the value of said lands to be determined by the last equalized assessment roll of said district, and such petition so signed and containing such statements and allegations shall be sufficient. In such case the plan of dissolution referred to in section three of said act may be entirely omitted and it shall not be necessary for the petitioners or persons signing such petition, or for the board of directors of such district to propose any plan for the dissolution of such district or any plan for the liquidation of its indebtedness or the distribution of its assets; *provided*, that the petition shall further recite the fact that an application will be made to the superior court of the State of California in and for the county in which the office of the board of directors of such district is required to be kept, for a decree of dissolution of said district under the provisions of said act. And in the case mentioned in this section, it shall not be necessary to obtain the assent of any holder of any indebtedness or evidence of indebtedness of said district barred by any statute of limitations of this state before the election provided for in said section three, shall be called. Upon the filing of said petition with the board of directors of said district said board shall call a special election at which shall be submitted to the electors of such district the question whether or not said district shall be dissolved. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days and also by publication of such notice in some newspaper published in the county where the office of the board of directors is required to be kept, once a week for at least three successive weeks before such election. Such notices must specify the time of holding the election, and the fact that it is proposed to dissolve the district. Said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with provisions of law governing the election of officers in irrigation districts. At such election the ballot shall contain the words "Dissolution of the district—Yes" or "Dissolution of the district—No," or words equivalent thereto. It shall not be necessary in winding up the affairs of

any district organized under the laws of this state to pay all or any portion of any debt or obligation of such district, for the enforcement of which debt or obligation a suit is barred by the laws of this state, nor to pay any bond, coupon, warrant or other indebtedness, claim or demand which shall be barred by the laws of this state prior to the filing of the petition for dissolution with the board of directors of such district. (Stats. 1913, p. 39.)

SEC. 3. Upon the filing of said petition with the board of directors of said district said board shall call a special election, at which shall be submitted to the electors of such district the question whether or not said district shall be dissolved, its indebtedness liquidated, and its assets distributed in accordance with the plan so proposed, or in case no plan has been proposed, then in accordance with a plan which shall be proposed by said board of directors in the notice of the election, but no such election shall be called until the assent of all the known holders of valid indebtedness against the district shall be obtained or provision shall be made in said plan for the payment of such nonassenting holders. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors is required to be kept, once a week for at least three successive weeks before such election. Such notices must specify the time of holding the election, the fact that it is proposed to dissolve the district, and a brief summary of the plan proposed for liquidating its indebtedness and disposing of its assets. Said election shall be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions governing the election of officers in irrigation districts. At such election the ballot shall contain the words "Dissolution of the district—Yes," or "Dissolution of the district—No," or words equivalent thereto.

Action in superior court.

SEC. 4. In case upon such canvass it is found and declared by said board of directors that two-thirds of the votes cast at such election shall be cast in favor of "Dissolution of the district—Yes," then the said board of directors shall file a petition in the superior court of the county wherein is located the office of such board to determine the validity of the proceedings had and of the proposed plan for the dissolution of said district. Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of a notice of the pendency of the proceeding for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending; *provided,* that if the property of the district is situate in more than one county then the publication shall be made in one paper in each county wherein the same is situate, such paper or papers to be designated by the court having jurisdiction of the proceeding; jurisdiction shall be complete in thirty days after the completion of such notice in the manner herein provided. Anyone interested may at any time before the expiration of said thirty days appear and contest the validity of the proceedings

already had and of the plan proposed for the dissolution of said district, or any portion thereof, including the validity of any portion of the indebtedness set out in said petition, and the court may determine the validity of any sales for assessments, and may determine the amount of any assessment or assessments due upon the various parcels and lots of real estate within said district, and may determine the amount of any assessment or assessments theretofore paid upon the various parcels and lots of real estate therein, and may in said proceeding adjust and determine the rights and liabilities of all parties. Such action shall be speedily tried and judgment rendered. Either party shall have the right to appeal at any time within thirty days after the entering of such judgment, and the appeal must be heard and determined within three months after the taking of such appeal.

Procedural rules.

SEC. 5. Said petition to the superior court shall set forth the facts required to be set forth in the petition to the board of directors and all the proceedings therein, and at the hearing the court shall hear and determine the regularity, legality, and correctness of all proceedings, and in doing so shall disregard any error, irregularity, or omission which does not affect the substantial rights of the parties. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this act are made applicable to the proceeding herein provided. The costs of any contest may be allowed and proportioned between the parties or taxed to the losing party in the discretion of the court, and no contest of any matter or thing herein provided for shall be made other than in the time and manner herein specified.

Assessment payer may bring action.

SEC. 6. If no such proceeding shall have been filed by the board of directors within thirty days after the canvass of said vote, then any district assessment payer may bring an action in the superior court of the county wherein the office of the board of directors is located. The board of directors shall be made parties defendant and notice shall be served on the members of the board personally, if they can be found in the state, if not, then service by publication as provided in section 4, shall be sufficient. Proceedings shall be had in the same manner and with the same effect as if brought by the board of directors.

Corporation may be organized to take over property.

SEC. 7. A corporation may be organized under general laws for the purpose of acquiring the assets of said district, including the irrigation system, if any, dams, reservoirs, canals, franchises and water rights, which corporation shall have all the powers, rights and franchises of corporate bodies organized under general laws, and in addition shall have such further powers as may be necessary to possess and carry on said irrigation system and exercise such franchise and water rights.

Discharge of debts and distribution of assets.

SEC. 8. The court in its decree shall have power to make the orders necessary to carry out said proposition for the discharge of the indebtedness and distribution of the property of said district, including the right to apportion any indebtedness found due, and to declare said portions liens upon the various parcels and lots of land within the district, and may decree a sale of its assets in such manner as may effectuate said proposition and as the said court may judge best, either in one lot or in such parcels as may be provided, and may provide for conveyance of said irrigation system, including dams, reservoirs, canals, franchises and water rights, and also of any other assets of the district, including lands sold thereto and the assessments due it.[1]

Assessment liens.

SEC. 9. The amounts of any assessment or assessments found due upon the various parcels and lots of real estate within said district, and the amounts for which sales have been made, which sales have been determined to be valid by said court, together with legal interest from the date of said sales and from the time when said assessments become delinquent, shall be liens respectively on the lots and parcels affected thereby, and the purchaser or purchasers at said sale may foreclose the same by action in the superior court, and shall in said action join all lots, assessments, and sales which may have been purchased by him and which remain unredeemed. A redemption may be made at any time by payment of the amount due to the clerk of the court for the use of the district if before sale, and for the use of the purchaser if after sale, and the clerk shall thereupon enter a minute of said payment, which payment shall be in the discharge of said lien. Redemption from the lien created for any portion of the indebtedness can be had in this manner.

Balance of funds apportioned.

SEC. 10. Whenever all the property of such irrigation district shall have been disposed of, and all the indebtedness and obligations thereof, if any there be, shall have been discharged, the balance of the money of said district shall be distributed to the assessment payers in said district upon the last assessment-roll in the proportion in which each has contributed to the total amount of said assessment, and the court shall enter a final decree declaring said district to be dissolved.

Debts barred by statute of limitations.

SEC 10½. In the petition mentioned in section 2 of this act it shall not be necessary to include in the schedule of indebtedness any bond, coupon, warrant or other indebtedness, claim or demand which shall have been barred by the laws of this state prior to the filing of said petition with the board of directors of said irrigation district, nor shall it be necessary in winding up the affairs of any district organized

under the laws of this state to pay all or any portion of a debt or obligation of such district, for the enforcement of which debt or obligation a suit is barred by the laws of this state. (New section approved March 3, 1909. Stats. 1909, p. 139.)

SEC. 11. This act shall take effect immediately.

INVOLUNTARY DISSOLUTION.[1]

An act declaring the conditions upon which an irrigation district may be dissolved, prescribing the procedure therefor, and the winding up of the affairs of the district when dissolved.

(Approved May 19, 1919; Stats. 1919, p. 751.)

Conditions for.

SECTION 1. Any irrigation district organized under any of the laws of the State of California, providing for the organization of irrigation districts, which

(*a*) Has been organized more than three years and has failed and neglected to secure an adequate water supply and which does not have a reasonable prospect of securing an adequate water supply for the lands of the district, and has failed and neglected to obtain the approval of the state water commission of the water supply of said district and has failed and neglected to obtain the approval of the state engineer of the plans of said district, and has failed and neglected to construct or acquire a system of works or the financing thereof, and has failed and neglected to obtain the approval of the irrigation district bond commission; or

(*b*) Has been organized for more than ten years and for more than five years after the construction or acquisition of a system of works has failed and neglected to maintain such works, or for five years or more after such works have been constructed or acquired has failed and neglected to supply or make available, water for the irrigation of more than ten per cent of the lands of the district;

May be dissolved and annulled by the superior court of the county in which said district is located by proceedings in an action brought by the attorney general in the name of the people of the State of California, upon his own information. Before such an action can be commenced in the courts the attorney general shall publish for two consecutive weeks in some newspaper published in the county in which the greater portion of the district is located, a notice to all parties in interest that it is his intention to begin such action for the dissolution of said district. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this act are made applicable to the proceedings herein provided.

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[1] As to *quo warranto* proceedings under Sec. 803, Code of Civil Procedure, see:
People vs. *Selma Irr. Dist.*, 98 Cal. 206;
People vs. *Jefferds*, 126 Cal. 296;
People vs. *Perris Irr. Dist.*, 132 Cal. 289;
Byington vs. *Sac. Valley Westside Canal Company*, 170 Cal. 124.

Investigation by state engineer.

SEC. 2. Before the trial of the case the court may direct the state engineer to investigate all the affairs of said district; the water supply that may be obtained without prohibitive cost; the feasibility and practicability of irrigating all or a reasonable amount of the lands of said district; and all other matters which the court may direct, or the state engineer may deem pertinent as affecting the possible success or failure of the district as an irrigation enterprise and which may be necessary to enable the court to determine the question of dissolution.

For the purpose of making such investigation, the state engineer shall have access to all the records of the district, and all officers and employees and other persons in any manner connected with or employed by said district shall furnish such information as he may require which has already been obtained or determined, including maps, plans, estimates, field notes, and other data.

The state engineer shall report his findings and conclusions to the superior court as soon as practicable, but within ninety days unless a longer time be granted him by the court, but in no case to extend beyond the period of one hundred eighty days in all.

Dissolution and disposition of property.

SEC. 3. Upon final judgment of dissolution in such action, the district in question shall be deemed dissolved and annulled. The court shall determine the amount of indebtedness outstanding against said district, including the costs of the court action herein provided for, and thereafter the appropriate county officers shall act as ex officio officers of the district; the records and papers of every kind belonging to the district shall be turned over to the proper county officers. The county treasurer shall perform the duties of the district treasurer; the county tax collector shall perform the duties of the district tax collector; the county assessor shall perform the duties of the district assessor; the county clerk shall perform the duties of the secretary of the board of directors; the board of supervisors shall perform the duties of the board of directors; they shall proceed to levy and collect such additional taxes as may be necessary upon the lands embraced within such district in the same manner and with the same procedure for nonpayment that county taxes are levied and collected for the purpose of paying such outstanding indebtedness not provided for by previous assessments. All property of every kind belonging to the district, including lands sold to the district for taxes, shall be sold as the court may direct and the proceeds together with all money on hand shall be used to pay off the indebtedness. All funds remaining after all outstanding indebtedness has been paid shall be apportioned and be paid to the assessment payers according to the last assessment roll.

SEC. 4. The outstanding indebtedness, whether of bonds, warrants, or otherwise, of any irrigation district shall not operate as a bar to dissolution by the superior court when provision is made for the payment of such indebtedness in the manner provided in section three of this act.

Alternative method.

SEC. 5. This act is designed to provide an alternative method for the dissolution of irrigation districts and shall not be deemed to repeal any other statute or statutes.

DRAINAGE.

An act to provide for drainage by irrigation districts.

(Approved March 18, 1907; Stats. 1907, p. 569.)

SECTION 1. Any irrigation district heretofore organized or hereafter to be organized under the laws relating to such districts may provide for any and all drainage made necessary by the irrigation provided for by such laws; and the officers, agents and employees of such districts shall have the same powers, duties and liabilities respecting such drainage, and the construction, repair, maintenance, management and control thereof as they now have or may hereafter have respecting such irrigation, and all laws respecting such irrigation or such irrigation districts shall be so construed, applied and enforced as to apply to such drainage as well as such irrigation.

SEC. 2. Whenever it appears necessary, or proper, or beneficial to the lands affected thereby, to drain such lands or any portion thereof on account of the irrigation which has been done, or which is intended to be done under such laws, whether for the purpose of more beneficially carrying on such irrigation, or to protect such districts from liability by reason of such irrigation, whether the irrigation works have already been constructed or not, it shall be the duty of the board of directors to provide for such drainage, and said board and its officers, agents and employees shall do all necessary and proper acts for the construction, repair, maintenance and management of drainage work for such purpose.

SEC. 3. This act shall take effect immediately.

ELECTRICAL POWER, DEVELOPMENT OF.

An act to provide for the development of electrical power by irrigation districts.

(Approved May 21, 1919, Stats. 1919, p. 778; amended 1921, pp. 829, 1083.)

Irrigation district may develop power.

SECTION 1. Any irrigation district heretofore organized or hereafter to be organized under the laws relating to such district may provide for the construction, acquisition, operation, leasing and control of plants for the generation, distribution, sale and lease of electrical energy including sale to municipalities, corporations, public utility districts, or individuals, of electrical power so generated; and said district, subject however, to the conditions in this section contained, may make special appropriations of water for power purposes, as required by law; *provided, however,* that any use of water for generating such electrical

power or energy at any given time of the year, which use is in excess of the water appropriated and beneficially used for irrigation purposes by such district at said period of the year, shall be subject to all prior existing appropriations by any municipal corporation, who or which is proceeding in good faith in the expenditure of money and the construction of works designed to divert the water appropriated; and the officers, agents and employees of such districts shall have the same powers, duties and liabilities respecting such power and the construction, acquisition, repair, maintenance, management and control thereof as they now have or may hereafter have respecting such irrigation or such irrigation districts. The California irrigation district act shall be so construed, applied and enforced as to apply to such power as well as such irrigation. (Stats. 1921, p. 1083.)

Powers of board and officers.

SEC. 2. The board of directors of any irrigation district and its officers, agents, and employees, shall do all necessary and proper acts for the construction, repair, maintenance, and management of such electrical power works for such purposes.

Issue of bonds.

SEC. 3. In case funds are not otherwise available an irrigation district may issue bonds for such purpose and all of the provisions of the California irrigation district act, relating to the issuance of bonds for other purposes, and all other acts relative to bonds issued under the California irrigation district act, in so far as the same are applicable to said bonds shall apply. (Stats. 1921, p. 829.)

Repeal.

SEC. 4. All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

HIGHWAYS, INJURIES TO.

SEC. 2737. Whoever obstructs or injures any highway, or diverts any watercourse thereon, or drains water from his land upon any highway, to the injury thereof, by means of ditches or dams, is liable to a penalty of ten dollars for each day such obstruction or injury remains, and must be punished as provided in section five hundred and eighty-eight of the Penal Code. Any person, persons, or corporation who shall be storing or distributing water for any purpose, and shall permit the water to overflow or saturate, by seepage, any highway, to the injury thereof, shall, upon notification of the road commissioner of the district where such overflow or seepage occurs, repair the damages occasioned by such overflow or seepage; and should such repair not be made within a reasonable time by such person, persons, or corporation, said road commissioner shall make such repairs, and recover the expense thereof from such person, persons, or corporation, in an action at law. All persons excavating irrigation, mining, or draining ditches across public highways shall be required to bridge said ditches at such crossings, and upon neglect to do so, the road commissioner for that road

district shall construct the same and recover the cost of constructing said bridge or bridges of such persons by action, as provided in this section; *provided,* that the supervisors of any county may construct and maintain bridges over any and all ditches used exclusively for irrigation purposes, and which cross public highways in the county over which they have authority, and may, with the consent of the owners of such ditches, declare any and all such bridges to be public property, and maintain and keep the same in repair at the expense of such county. And whoever willfully injures any public bridge is hereby declared to be guilty of a misdemeanor, and is also liable for actual damages for such injury, to be recovered by the county in a civil action; *provided further,* that every person who knowingly allows the carcass of any dead animal (which animal belonged to him at the time of its death) to be put or to remain within one hundred feet of any street, alley, public highway, or road in common use, and every person who puts the carcass of any dead animal within one hundred feet of any street, alley, highway, or road in common use, or who shall deposit on any highway any refuse or waste tin, sheet-iron, or broken glass, is guilty of a misdemeanor. (Pol. Code, as amended, Stats. 1897, p. 217.)

MATERIALS AND SUPPLIES, MANUFACTURE BY DISTRICT.

Cement plants, rock quarries, etc.

SEC. 4041*c*. Counties, cities and irrigation districts may jointly or severally purchase, lease, or otherwise acquire, or operate, manage and control rock quarries, rock plants, sand pits, cement plants, and other works or projects for the extraction, manufacture, or preparation of rock, sand, cement and other materials used by them in performing county, city, or district functions. (Pol. Code, section added, Stats. 1921, p. 191.)

PUBLIC USE, IRRIGATION IS.

An act regarding irrigation and declaring the same to be a public use.

(Approved May 1, 1911, Stats. 1911, p. 1407.)

SECTION 1. Irrigation in the State of California is hereby declared to be a public necessity and a public use, and the power to eminent domain may be exercised on behalf of such public use in accordance with the provisions of title VII, part III of the Code of Civil Procedure of the State of California. Provided that any person, firm or corporation, exercising the power of eminent domain and in control of water appropriated for sale, rental or distribution, shall not, by this act, be relieved from the duty of furnishing water to irrigate the lands over which any right of way is obtained by condemnation for irrigation purposes as required by an act entitled, "An act to regulate and control the sale, rental and distribution of appropriated water in this state, other than in any city, city and county, or town therein and to secure the rights of way for the conveyance of such water to the places of use", approved March 12, 1885, or any other law now in force in this state.

SEC. 2. This act shall not repeal or modify an act entitled, "An act to regulate and control the sale, rental and distribution of appropriated water in this state, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use", approved March 12, 1885, and other acts supplemental thereto and amendatory thereof, or shall the same be construed to alter or change the law of the State of California as to the duty of any person, firm or corporation in charge of a public use to furnish water.

SEC. 3. This act shall be in force from and after its passage.

Appropriation for private use of the taker is not "public use."
Gravelly Ford Co. vs. *Pope & Talbot Co.*, 36 Cal. App. 556.
See, also, Const., Art. XIV, p. 10 hereof.

WATER DISTRICT, INCLUSION OF TERRITORY ALREADY PART OF AN IRRIGATION DISTRICT.

Section 1*a*, added, by Statutes 1921, p. 1142, to the act of June 13, 1913, which provides for organization of water districts by county boards of supervisors, authorizes "all or any part of lands embraced within the boundaries of any irrigation district" to be included in such a water district under certain conditions. Said section is printed below. For the entire text of the act, see Stats. 1913, p. 815; amended Stats. 1917, p. 1408; Stats. 1921, p. 1142. (Deering, Gen. Laws, Act No. 4349*a*.)

SEC. 1*a*. All or any part of lands embraced within the boundaries of any irrigation district now or hereafter organized under any law or laws whatsoever of the State of California may be organized into or included in a water district formed under the provisions of this act; *provided*, that eighty per cent of the land within the boundaries of the proposed water district is not under irrigation at the time of the formation of the water district; *provided, further*, that no land within an irrigation district which is also within the boundaries of a water district formed under the provisions hereof shall be released from any of the burdens, obligations, liabilities, or control of or under said irrigation district by virtue of the formation of the water district and shall in every respect continue to be a part of said irrigation district despite the formation of said water district; *provided, further*, that such water district may not issue bonds in excess of such an amount as may be authorized and designated by the irrigation district bond commission created by the act entitled, "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, or such other state commission, department or agency that may supersede said commission or succeed to its functions. (Stats. 1921, p. 1143.)

CALIFORNIA WATER STORAGE DISTRICT ACT.

An act providing for the organization, operation, maintenance, and government of water storage districts, and for the acquisition, appropriation, diversion, storage, conservation, and distribution of water for irrigation of lands in such districts, for drainage and reclamation connected therewith, and for the generation, disposition, and sale of hydro-electric energy developed incidental to such storage and distribution; and for the acquisition of lands or rights therein and the acquisition, construction, operation, and maintenance of works to carry into effect the provisions of this act; and conferring upon the state engineer certain additional duties and powers in connection with the carrying out of the purposes of said act and providing for the appointment of directors to assist the state engineer in so doing and defining said duties and powers; and repealing the California irrigation act approved June 4, 1915, and all acts amendatory thereof.

(Approved June 3, 1921; Stats. 1921, p. 1727.)

STATE ENGINEER.

State engineer, powers and duties of.

SECTION 1. The state engineer shall have the powers and duties in this act conferred upon him, in addition to the other powers and duties possessed by or imposed upon him by law, and shall also possess and exercise such further powers and authority as may be necessary to enable him to fully perform the duties imposed upon him by this act, including the employment of such engineers, attorneys, superintendents, inspectors, and other assistants as he may deem necessary, and the fixing of their compensation, which together with the cost and expense of all work done in connection with the performance of such duties under this act shall be paid by the districts to be formed hereunder as hereinafter provided for payment of other expenses of the district.

Executive directors, appointment, powers and duties of.

SEC. 2. For the purpose of facilitating and expediting the performance of the duties in this act imposed upon the state engineer and to provide against interference with the performance of the other duties imposed upon him by law, and to provide for the equalization of assessments in this act provided for, the governor shall within thirty days after the date upon which this act takes effect name and designate two persons to be known and hereinafter referred to as executive directors, one of whom shall have at least five years' practical experience in irrigation and the other of whom shall have had at least five years' experience in administration and both of whom shall be residents of this state and continue to be such residents during their term of office, which term shall be four years, and until their successors have been named and have qualified. Their successors shall be named and designated in

like manner. Each of said executive directors shall receive as compensation the sum of twenty dollars per day for each day employed by him in the performance of duties under this act, and shall receive actual traveling expenses while engaged in such duties, which shall be chargeable as a part of the cost of the project of the district for which such duties are performed. The powers and duties herein conferred and imposed upon the state engineer may be exercised by said executive directors under the direction of the state engineer.

ORGANIZATION OF WATER STORAGE DISTRICT.

Who may propose organization of district.

SEC. 3. A majority in number of the holders of title or evidence of title to lands already irrigated or susceptible of irrigation from a common source and by the same system of storage and irrigation works and representing a majority in value of said lands may by written petition propose the organization of a water storage district under the provisions of this act which shall comprise lands so irrigated or susceptible of irrigation and may include therein lands situated in other distinctive district agencies of the state including other water storage districts having different plans and purposes and the object of which is not the same; organization of such a district under the provisions of this act may also be proposed by written petition signed by not less than five hundred petitioners who are holders of title or evidence of title to lands therein; *provided,* that the said petitioners must include the holders of title or evidence of title to not less than ten per cent in value of the lands within said proposed district. Such lands proposed to be organized into a water storage district need not consist of contiguous parcels but may include the major portion of the lands situated within two or more district agencies of the state.

Petition to organize district.

SEC. 4. In order to propose the organization of a water storage district, a petition signed as provided in the preceding section setting forth generally the boundaries of the proposed district or describing the lands situated therein, and the location proposed for the storage of water to be used for such irrigation, any drainage or reclamation connected therewith, and any incidental development of hydro-electric energy, and the nature of the proposed works, and praying that the territory embraced within said proposed district may be organized as a water storage district under the provisions of this act, shall be presented to the state engineer. The petition may consist of any number of separate instruments, and must be accompanied with a good and sufficient undertaking, to be approved by the state engineer, in double the amount of the probable cost of organizing such district as estimated by said state engineer, conditioned that the sureties shall pay all of said costs in case said organization shall not be finally effected, and said state engineer shall have power to require the furnishing of any additional undertaking, or undertakings, or payments of money, in case he should deem the same necessary. Upon the presentation and filing of said petition and undertaking in the office of the said state engineer the said engineer shall forthwith fix a time and place at which

he will hear said petition, which time shall be not less than twenty nor more than thirty days after the presentation and filing of said petition. Said petition, together with a notice stating the time and place of the hearing so fixed by said engineer, shall be published in each county in which any of the lands of said proposed district are situate by said state engineer once a week for four successive weeks before said hearing. Said notice shall be issued by said state engineer, shall refer to said petition, and shall be directed to the persons named as petitioners therein, and to all other persons holding title or evidence of title to any lands included within the water storage district proposed in said petition, and to all persons having or claiming any right, title, or interest in and to the waters proposed to be stored, acquired, or used as set out in said petition, and to all other persons who may be interested in or affected by the project contemplated in said petition, and shall be substantially in the following form:

Before the state engineer, State of California.

To the persons named as petitioners in the foregoing petition, to all persons holding title or evidence of title to lands included within the water storage district proposed therein; to all persons having or claiming any right, title, or interest in or to the waters proposed to be stored, acquired, or used as set out in said petition; and to all other persons who may be interested in or affected by the project contemplated in said petition:

You, and each of you, are hereby notified that the foregoing petition was filed with the state engineer on the_____day of_____, _____, and will be heard by said engineer at_____on the_____ day of_____, _____, at the hour of___, __m. of that day, at which time and place said engineer will hear and receive evidence in support of said petition or any objections which may be presented thereto, and will hear and determine the right of all parties holding title or evidence of title to lands not included in the water storage district proposed in said petition, but which lands are already irrigated or susceptible of irrigation from the same common source and by the same system of storage and irrigation works as are particularly referred to and described in said petition, to have said lands included in said district.

This notice is given pursuant to the provisions of an act, approved _____, and known as California water storage district act, to which said act particular reference is hereby made.

Dated:_____

_____

State engineer.

When contained upon more than one instrument one copy only of such petition need be published but the names attached to all said instruments must appear in such publication. Signatures to the petition may be withdrawn at any time before the publication is commenced as in this section required, by filing a declaration signed by the petitioner, with the state engineer, stating that it is the intention of the petitioner to withdraw therefrom, which declaration shall be acknowledged in the same manner as conveyances of real estate are required to be acknowledged.

Hearing on petition.

SEC. 5. At the time and place fixed in said notice the state engineer shall proceed to hear said petition and to determine whether or not the same complies with the requirements hereinbefore set forth and whether or not the notice required herein has been published as required, and must hear all competent and relevant testimony offered in support of or in opposition thereto. Said hearing may be adjourned from time to time for the determination of said facts, not exceeding two weeks in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, and no lack of signatures thereto, or to the petition as published, shall vitiate any proceedings thereon; *provided,* such petition or petitions have a sufficient number of qualified signatures attached thereto. The determination of said engineer shall be expressed by an order establishing the facts. If said state engineer shall determine that any of the requirements hereinbefore set forth have not been complied with the matter shall be dismissed, but without prejudice to the right of the proper number of persons to present a new petition covering the same matter or to present the same petition with additional signatures, if such additional signatures are necessary to comply with the requirements of this act. If the state engineer shall determine that all the said requirements have been complied with the said engineer shall forthwith proceed to hear said petition and all evidence offered in support of the petition and in support of said written objections, and the written application of any holder of title or evidence of title to lands included in said proposed water storage district to have said lands excluded therefrom, and to also receive the written application of the holder of title or evidence of title to other lands already irrigated or susceptible of irrigation from the common source and by the same system of storage and irrigation works in said petition more particularly referred to and described, to have said lands included in said district and to participate in the benefits of such water storage district. Said engineer shall ascertain and determine the practicability, feasibility, and utility of the proposed project set forth in said petition, and for that purpose may make, or cause to be made, all necessary studies, examinations, surveys, plans, and estimates of cost, and in connection therewith said state engineer may employ all necessary engineers, attorneys, and other assistants, or acquire and use estimates, surveys, and reports theretofore made, for the accomplishment of said purposes, and the cost thereof shall not in the aggregate exceed a sum in dollars equal in amount to one-fourth the number of acres in such proposed district and shall be deemed a part of the expense of said project, and said state engineer may require the same to be paid by the proponents of said district or may issue warrants therefor and which payment and warrants shall be considered and treated in all respects as warrants of the district and which shall be payable out of the funds of said district when the organization thereof has been completed, and the same, if necessary, may be included in any bond issue authorized for the purposes of said district. If said district shall, as a result of any election hereinafter provided for, be not organized, any warrants issued by said state engineer or board of directors of said district upon the funds of the district shall be a

charge upon the undertaking, or undertakings, hereinbefore and in section four of this act provided for, and shall thereupon become due and payable by the sureties therein named, and the holders of said warrants shall have a cause of action against said sureties thereon.

Order on petition.

SEC. 6. Upon the final hearing of said petition the state engineer shall make an order reaffirming his conclusions as to the genuineness and sufficiency of the petition, affirming the regularity and sufficiency of the notice of hearing thereon, and determining the practicability, feasibility, and utility of the proposed project. The said engineer shall also in his said order establish the boundaries of the proposed district or describe the lands included therein, specify the location proposed for the storage of water to be used for any of the purposes of this act, and provide an estimate of the probable cost of the proposed project; and in so doing shall make such changes in any of the matter or proposals set forth in said petition as he may deem advisable. The said state engineer also shall in his said order divide said proposed district into five, seven, nine, or eleven divisions in such manner as to segregate into separate divisions lands possessing the same general character of water rights or interests in and to the waters of such common source, which divisions shall be numbered first, second, third, fourth, and fifth, and sixth, seventh, eighth, ninth, tenth, or eleventh, according to the number of such divisions. The order of said state engineer, made as in this section provided, shall be signed by him and entered in full upon the records kept by him. A copy of such order certified by said state engineer, together with a map showing the exterior boundaries of the district and indicating the lands if any excluded therefrom, shall forthwith be filed for record in the office of the county recorder of each county in which any of the lands within the said district are situated. The finding of said state engineer in favor of the genuineness and sufficiency of the petition and the regularity and sufficiency of the notice of hearing thereon shall be final and conclusive against all persons except the State of California upon suit commenced by the attorney general. Any such suit must be commenced within ninety days after the date of first filing in the office of any county recorder of such certified copy of said order as hereinabove required.

Election on organization.

SEC. 7. Said state engineer shall, within sixty days after the filing of said order, give notice of an election to be held in the proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall describe the boundaries so established, or the lands so included, and the divisions so created, and shall designate a name for the proposed district, and said notice shall be published once a week for at least three weeks previous to such election in each county in which any land in the proposed district is situated. Such notice shall require ballots to be cast which shall contain the words "Water storage district—Yes" or "Water storage district—No," or words equivalent thereto, and also

the names of persons to be voted for at said election. For the purposes of said election the state engineer must establish a convenient number of election precincts in said proposed district and define the boundaries thereof and at least one such precinct must be established for each division of said district and said state engineer, at the time of calling said election, shall in his order designate voting places and appoint three landholders of the district to act as a board of election at each voting place. Such election shall be conducted as nearly as practicable in accordance with the general water storage district election as in this act provided, but no particular form of ballot shall be required. Nominating petitions for officers to be elected at such election shall be filed as provided in section thirty-nine of this act except that the same shall be filed in the office of the state engineer.

Election of directors.

SEC. 8. At such election there shall be elected a board of directors corresponding in number to the number of divisions in the district, and a treasurer. None of said directors shall be elected by the district at large, but one director shall be elected by each division to represent such division. Said officers shall qualify in the same manner as is provided for the qualification of the same officers elected at a general water storage district election as hereinafter in this act provided.

Qualification of voters.

SEC. 9. No person shall be entitled to vote at such election unless he holds title or evidence of title to land in such district and each qualified voter shall be entitled to vote in person or by written proxy in each precinct in which he is such holder of title or evidence of title to land, and to cast one vote for each one hundred dollars' worth, or fraction thereof, of land in said precinct owned by him.

Canvass of votes.

SEC. 10. The state engineer shall on the second Monday succeeding such election proceed to canvass the votes cast thereat and if upon such canvass it appears that a majority of all the votes cast are "Water storage district—Yes" said engineer shall, by an order entered in the records kept by him, declare the territory duly organized as a water storage district under the name theretofore designated, and shall declare the candidate for director receiving at such election the highest number of votes in each division to be duly elected a director, and the candidate for treasurer receiving the highest number of votes in the district to be duly elected treasurer. If upon such canvass it appears that a majority of all the votes cast are "Water storage district—No," then the result of such election shall be declared accordingly and entered of record in the records kept by the state engineer.

Order on election, filing of.

SEC. 11. If such order on election shall declare the territory duly organized as a water storage district the said state engineer shall forthwith cause a copy of such order, duly certified, to be filed for record in the office of the county recorder of each county in which any portion

of the lands embraced in such district is situated, and from and after such filing the organization of such district shall be complete and said district shall have the powers and rights conferred upon it by the provisions of this act. Said state engineer shall at the same time issue certificates of election to the persons declared in said order to be elected directors and treasurer.

ORGANIZATION OF BOARD OF DIRECTORS AND REPORT OF BOARD ON PROJECT.

Board of directors, tenure of office.

SEC. 12. The directors and treasurer elected at such election, after qualifying by receiving their certificates of election and subscribing the official oath and giving the required bonds, shall immediately enter upon their duties and shall hold office, respectively, until their successors are elected and qualified.

Board of directors, organization of.

SEC. 13. The directors shall on the first Tuesday after their election and qualification meet and organize as a board and select and designate an office of the board, which shall also be the office of the district, at which the board shall thereafter hold its meetings. The board shall then proceed to classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire on the first Tuesday in March following the next general February election in this act provided for; and the term of office of the class having the lesser number shall terminate on the first Tuesday in March following the next general February election thereafter. After such classification the board shall elect a president from their number and shall appoint a secretary, each of whom shall hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board.

Board of directors, meetings of.

SEC. 14. The board of directors shall thereafter hold regular meetings on the first Tuesday of each month at the place selected as the office of the board; *provided*, that such board may by resolution duly entered upon its minutes fix any other time or place for the regular monthly meeting, but no such change shall become effective until after the resolution making such change shall have been published once a week for two successive weeks in the county in which the office of the board of directors is located. Such special meetings of the board of directors may be held as may be required for the proper transaction of the business of the district, but a special meeting must be ordered by a majority of the board. The order must be entered of record, and five days notice thereof must be given by the secretary to each director not joining in the order. The order must specify the business to be transacted, and no other business than that specified in the order may be transacted at such special meeting, unless all the members are present and consent to the consideration of any business not specified

in said order. All meetings of the board must be public and a majority shall constitute a quorum for the transaction of business. A smaller number of directors than a quorum may adjourn from day to day. All records of the boards shall be open to public inspection during business hours.

Board of directors, complementary powers and duties of.

SEC. 15. The board of directors shall have in addition to the powers and authority hereinbefore and hereinafter conferred upon it, such further powers and authority as may be necessary to enable it to fully perform the duties imposed upon it by this act.

Provisions for defraying preliminary expenses.

SEC. 16. The board of directors must and shall at its first regular monthly meeting levy an assessment of an equal amount upon each acre of land in said district sufficient to pay all warrants issued by the state engineer in accordance with the provisions of this act, and in addition thereto an amount sufficient in the judgment of said board to defray all other expenses incurred or to be incurred by or for the benefit of said district prior to the appointment of the commissioners provided for in section nineteen of this act. In the event the assessment so levied for the purposes aforesaid shall not be sufficient, it shall be the duty of the board of directors to levy an additional assessment, or assessments; *provided, however,* the total of all such assessments exclusive of the amount assessed to pay all warrants issued by the state engineer shall not exceed fifty (50) cents per acre. Thereafter if it shall become necessary to provide funds for the payment of any expense incurred by or on behalf of the district subsequent to the appointment of said commissioners and prior to the assessment provided for in section nineteen of this act, the board of directors shall levy such additional assessment, or assessments, of an equal amount upon each acre of land in said district as may be necessary to pay such expenses. Said assessment, or assessments, so levied shall constitute a lien upon the lands affected thereby until the full amount thereof is paid, which lien shall be prior to all other liens except state, county, and municipal taxes and assessments or taxes levied or assessed by or under statutory authority, and shall be collected in the same manner as other assessments provided for in this act.

Board of directors, preparation and submission of report of.

SEC. 17. The board of directors shall, upon the organization of a water storage district as in this act provided, proceed to make or cause to be made, all such examinations, surveys, detailed plans and specifications, and estimates of costs for the acquisition, appropriation, diversion, storage, conservation, and distribution of water, any drainage or reclamation works connected therewith, and the generation of hydroelectric energy incident thereto, and the sale and distribution thereof, as may be necessary or requisite to enable said board of directors to ascertain and estimate the requirements and works necessary as aforesaid for the purposes of said water storage district and the probable

cost and expense thereof, and to make a report thereof as hereinafter provided. In such connection said board may use and adopt all previous estimates, surveys, reports, and other data it may have acquired or which are available to it adapted to that purpose, and may employ all necessary engineers, attorneys, and other assistants for the accomplishment of said purposes, and the cost thereof shall be deemed a part of the expense of said project, and such board may issue warrants therefor, which shall be payable out of the funds of said district and may be included in any bond issue authorized for the purposes of said district.

Upon the completion of said examination and study of the proposed project by the said board of directors, the said board shall prepare and file in the office of the state engineer a report thereof, in which said report shall be set forth in full and in detail the character and nature of the proposed works, a description of the rights, both to waters and lands, it will be necessary to acquire to carry said project to completion, accompanied by detailed plans and specifications, and a detailed estimate of the costs of said project, including the acquisition of all rights necessary to the completion and operation thereof. The board of directors shall attach to said report a recommendation that said project shall be carried out in accordance with the plans and specifications in said report contained, or that said project be abandoned. Such report when completed shall be signed by a majority of the board of directors and entered in full upon the minutes of said board. A copy of such report certified by the secretary of said board of directors shall be filed in the office of the state engineer.

PROCEEDINGS OF STATE ENGINEER SUBSEQUENT TO REPORT OF BOARD OF DIRECTORS.

Action of adverse report.

SEC. 18. If the said board of directors recommends that said project be abandoned the state engineer shall make such further investigation of said project as is in his judgment desirable and shall within sixty days after the filing of said report make and enter upon the records kept by him an order either (*a*) approving and confirming the said report and recommendation and declaring said project abandoned, which said order shall be without prejudice to the presentation of another petition covering the same matter, or (*b*) approving and adopting the said report but taking no action with respect to the said recommendation, and calling another election to be held in the district for the purpose of determining whether or not the recommendation of said board of directors shall be adopted or rejected. In the event the said order so made and entered by the state engineer shall call an election, said state engineer shall within thirty days after the entry of said order give notice of such election. Said notice shall be published once a week for at least three weeks previous to such election in each county in which any land in the district is situated. Said notice shall require ballots to be cast, which shall contain the words "Completion of project—Yes" or "Completion of project—No." For the purposes of said election the state engineer must establish a convenient number

of election precincts in said district and define the boundaries thereof and said state engineer at the time of calling said election shall in his order designate voting places and appoint three land holders of the district to act as a board of election at each voting place. Such election shall be conducted as nearly as practicable in accordance with the provisions of this act relating to general water storage district elections, but no particular form of ballot shall be required. The qualification of voters at said election shall be the same as prescribed for the original election on organization of district, and the votes cast at said election shall be canvassed in the same manner as votes cast at said original election, and the result of such election shall be declared and entered of record in the minutes of the board. If such result shall show a majority of all the votes cast are "Completion of project—No," the state engineer shall make and enter in his records an order declaring said project abandoned, and requiring all persons, except the holders of warrants issued pursuant to the provisions of this act and which have been duly presented for payment, having claims against said district, or proposed district, to file them with the necessary vouchers within three months from the making of said order in the office of said state engineer. Notice of said order requiring presentation of claims stating the time and place thereof shall be published in the county in which the office of the district is located by said state engineer once a week for four successive weeks, the first publication of which said notice shall be made within ten days after the making of said order. After all warrants issued under the provisions of this act which have been duly presented for payment and all claims that have been duly presented and have been allowed and approved by said state engineer or the board of directors of said district, have been paid, said state engineer shall forthwith cause a copy of said order declaring said project abandoned, duly certified by said state engineer, to be filed for record in the office of the county recorder of each county in which any portion of the land embraced in said district is situated, and from and after such filing said district shall be deemed dissolved and all liens which may have attached to any of the lands therein under any provisions of this act shall be discharged and any undertaking given pursuant thereto shall be annulled and of no further effect. If the canvass of the votes cast at such election show a majority of all votes cast are "Completion of project—Yes" said state engineer shall thereupon appoint the commissioners provided for in section nineteen of this act and thereafter such proceedings shall be taken and followed as are provided in said section nineteen and subsequent sections of this act.

Action on favorable report, assessment of project cost by commissioners, and review thereof by adjustment board.

SEC. 19. If the board of directors recommends that said project be carried out in accordance with the plans and specifications in its said report contained and if within sixty days after the filing of said report in the office of the state engineer there shall be presented to and filed with said state engineer a petition signed by the owners of more than fifteen per cent of the total assessed valuation of the land in the district requesting that an election be held to ascertain whether such recommendation of the board of directors shall be adopted, the state

engineer shall immediately give notice of such an election, which election shall be held and conducted and the result thereof determined and declared in all respects as provided in section eighteen of this act, and if the result of such election shows a majority of all votes cast are "Completion of project—No" the project shall be deemed abandoned and proceedings shall be thereafter taken as provided in said section eighteen in case of abandonment, but if no petition shall be filed as aforesaid or if an election be held and the majority of the votes cast thereat are "Completion of project—Yes" then the state engineer shall forthwith appoint three commissioners whose duty it shall be to assess the cost of the project, upon the benefited lands within the district which shall be done, and the said cost shall be apportioned in accordance with the benefits that will accrue to each tract of land held in separate ownership in said district by reason of the expenditures of said sums of money, and the completion of the project, such assessment to be in gold coin of the United States. One of said commissioners shall be a civil engineer and one shall have a practical knowledge of irrigation, and none of said commissioners shall have any interest in any land in the district either directly or indirectly, and each commissioner before entering upon his duties shall take and subscribe an oath that he is not in any manner interested directly or indirectly in any land in the district and that he will perform the duties of commissioner to the best of his ability, and said commissioners shall be paid as compensation for the services rendered by them such sum, or sums, as the state engineer shall fix and determine, which shall be considered a part of the cost of the project, and said state engineer may issue warrants therefor, which shall be payable out of the funds of said district and may be included in any bond issue authorized for the purposes of said district. The said commissioners shall receive from the board of directors of the district the detailed plans, specifications, and estimate of the costs of the project, which have theretofore been duly approved by the state engineer. The said commissioners shall thereupon prepare and certify to the state engineer in triplicate rolls which shall contain:

(1) A description of each tract assessed held in separate ownership by legal subdivisions, governmental surveys, or other boundaries sufficient to identify the same;

(2) The number of acres in each tract;

(3) The name and address of the owner of each tract, if known, and if unknown, that fact, but no mistake or error in the name of the owner or supposed owner of the property assessed, and no mistake in any other particular, shall render the assessment thereof invalid;

(4) The rate per acre of such assessment upon said tract;

(5) The total amount of the assessment as computed;

(6) Any other statement which may be required by the state engineer and as to which notice is given in writing to the commissioners at the time of transmitting the plans and specifications and costs of the work for the district beforementioned.

The rolls shall be separately made for lands lying within different counties contained within said district. Said rolls when completed shall be accompanied by the written report of the commissioners wherein is set out with particularity the exact nature and quantum of the benefits so assessed, both in respect of the right in and to stored

surplus waters, and the right to store water in the reservoir or reservoirs of the district, apportioned and allocated to each such tract of land in said district and also through any drainage or reclamation work connected therewith. In such report lands embraced within a comprehensive area or a political subdivision of the state may be referred to generally as lands lying within such area or subdivision without further description.

In the event of the conveyance of a part of a tract of land in said district and in the absence of any provision in the instrument conveying the same, said lands so conveyed shall be deemed to share ratably in the benefits apportioned to the entire tract.

Said rolls when completed shall be duly certified by said commissioners and forthwith by them filed in the office of the state engineer. Thereafter the executive directors and the president of the board of directors of the water storage district in which the lands described in said rolls are situated shall become and constitute a board, in the nature of a board of equalization, which shall be known and designated as the "adjustment board" and whose functions shall be to consider and act upon objections, if any, presented as herein provided to the assessment made by said commissioners. For that purpose said adjustment board shall at once organize by the election from its members of a president and a secretary and shall thereupon appoint times and places not less than thirty days after said rolls have been filed when and where it will meet within each county wherein lands of said district are situated for the purpose of hearing objections to said assessments, and notice of such hearing shall be published at least once a week for two successive weeks in each county in which any land within said district may be situate. Said objections, if any, must be in writing verified and filed with the state engineer, and shall set forth the grounds of such objections. Such verification shall be made by the affidavit of the objector or some other person who is familiar with the facts. Said adjustment board may postpone such hearings from time to time. At such hearings the adjustment board shall hear such evidence as may be offered touching the correctness of such assessment, and may modify, amend, or approve the said assessment in any particular and may reapportion the whole or any part thereof; *provided, however,* that no assessment shall be increased except after personal notice or notice by registered mail given to the owner if known, or if unknown by publication at least once a week for two successive weeks in the county in which such land in the district may be located, and upon a hearing of objections thereto if made.

Said adjustment board, after said hearings, must make an order approving such assessment as finally fixed or modified, which order shall be filed with and entered in the records of the state engineer, and the apportionment and determination of said adjustment board shall be final and conclusive, and no action or defense shall ever be maintained attacking the same in any respect. Two copies of said assessment roll as finally fixed and approved by the adjustment board shall be forthwith certified by the secretary of such adjustment board and transmitted to the board of directors of the said district, who shall file one copy in their records and thereupon immediately transmit

to the county treasurer of each county within such district that portion of the roll relating to the lands within such county, together with a copy of the order of approval of such assessment roll by said adjustment board. Thereafter said assessment roll shall be conclusive evidence before any court or tribunal that said assessment has been made and levied according to law.

When the board of directors shall file with the county treasurer of a county within such district the said assessment list or roll as finally approved as hereinbefore provided the charges assessed thereby upon the several tracts of land within the county shall constitute a lien thereon which shall be prior to all other liens except state, county, and municipal taxes, and assessments or taxes levied or assessed by or under statutory authority, and shall impart notice thereof to all persons. Where bonds of such district have been issued upon any such assessment no act or conduct on the part of such board of directors, or any officer herein mentioned, shall invalidate any such assessment after the same shall have become a lien in the manner herein provided.

PAYMENT OF ASSESSMENTS.

Provision for payment in full.

SEC. 20. The assessment list of each county must remain open for payment in full in the office of the county treasurer of the respective counties within the district for a period of thirty days; and during the time they so remain any person may pay the amount of the charge assessed against any tract of land to the county treasurer in gold coin of the United States or in warrants of the district drawn by the state engineer or the board of directors, or the proper officers thereof.

Collection of unpaid assessments.

SEC. 21. At the end of thirty days the treasurer must make return to the board of directors of the district of all assessments paid. All unpaid assessments shall bear interest at the rate of seven per cent per annum. Thereafter all unpaid assessments and accrued interest shall be collected when and as called, and paid to the treasurer of the county or counties, who shall collect and hold such moneys to the credit of the district. Unless bonds shall have been authorized as hereinafter provided, all such payments shall be made in such amounts or installments and at such times respectively as the said board, from time to time, in its discretion, by order entered in its minutes, may direct. Upon making any order fixing and calling such installment or amount, the secretary shall also enter in the minutes of the board, and certify to each county treasurer for signature and mailing or publication in the counties in which any lands within the district are situated a notice in substantially the following form:

Name: (name) water storage district.

(Location of the principal place of business.) Notice is hereby given that, at a meeting of the board of directors held on _____ an installment of _____ per cent of assessment number _____ was ordered paid within sixty days from the date thereof to the respective county treasurers of the counties wherein lands of such district are situate. Any installment which shall remain unpaid on the (day fixed) will be delinquent, together with the accrued interest thereon, with twenty per cent of such installment and interest added as penalty.

(Signed)_____

Treasurer of_____county.

Such notice must be sent through the mail, addressed to each owner of land in the district at his place of residence if known or entered upon the assessment roll of the district, and if not known, at the place where the principal office of the district is situated, or in lieu thereof such notice shall be published once a week for two successive weeks in each such county.

If any such installment shall remain unpaid at the expiration of said sixty days from the date of the order then the whole remaining uncalled portion of said assessment shall become delinquent, together with the accrued interest thereon and a penalty of twenty per cent of the amount of said installment and interest shall be added thereto and collected for the use of the district.

Immediately after the said installment has become delinquent the said county treasurer or county treasurers must publish once a week for two successive weeks in each county wherein lands of the district are situate, in one notice a list of all delinquencies in such county, which notice shall contain a description of the property assessed, the name of the person to whom it is assessed or a statement that it is assessed to unknown owners, if such is the fact, the amount then due on said property, and a notice that the property assessed will be sold on the date therein stated in front of the courthouse of said county to pay the amount then due on said property. The date of said sale shall not be less than ten days after the date of the last publication of said notice. At the time stated in said notice, or such other time to which said sale may have been postponed, the county treasurer must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the county treasurer must deposit the amount due on said property as shown in said notice to the proper fund of the said district. The county treasurer must pay to the owner of said property any surplus remaining after said deposit to the credit of the district, after first deducting any expense of sale. Except where bonds have been issued upon an assessment the board of directors may direct the county treasurer to postpone said sale from time to time for not less than ten nor more than thirty days at one time, by a written notice posted at the place of sale.

If no bid is made for said property equal to the amount due thereon, it must be struck off to the district for the said amount so due. A certificate of such sale shall be executed by the county treasurer to the purchaser, or to the district if the property shall have been struck

off to the district, and this certificate of sale shall be recorded in the office of the county recorder of said county. Any person interested in said property may redeem the same at any time within one year after the date of said sale, by paying to the county treasurer the amount for which the said property was sold, and interest on the said sum at the rate of two per cent per month from the date of said sale, which amount shall be credited to the proper fund of said district.

If no redemption shall be made within said one year, the purchaser or the district, if the property shall have been sold to the district, shall be entitled to a deed executed by the county treasurer or his successor in office, and the effect of such deed shall be to convey said property free and clear of all liens and incumbrances, except state, county and municipal taxes, assessments or taxes levied or assessed by or under statutory authority and any subsequent district assessment. The board of directors may sell such property sold to the district at any time at public auction after notice given for the same period and in the same manner as is herein provided for sale of delinquent assessments, but not for a sum less than the amount for which said property was sold, with interest at seven per cent per annum, and the deed executed in pursuance of such sale shall convey said property free of all incumbrances except as hereinabove provided for said deed by the county treasurer.

SUPPLEMENTAL ASSESSMENTS.

Manner of making levy.

SEC. 22. Thereafter, whenever in the opinion of the board of directors of the district, it shall be necessary to raise any sum for the maintenance, repair, or operation of works of the said district, or for the management and conduct thereof, the said board shall make an order, which order shall be entered in the minutes of the board and shall recite the total amount necessary to be raised, and shall fix a rate designating the number of dollars or cents to be levied on each one hundred dollars of the original assessment theretofore made by the commissioners. Thereafter the board shall complete said assessment by inserting upon supplementary assessment rolls the total amount assessed against each respective tract or parcel of land to be assessed. The supplemental assessment roll herein provided for shall be filed with the county treasurer of each county of said district wherein lands of such district are situate, and thereafter collected in the same manner provided for the collection of the original assessment. The board of directors may call the whole or any part of such supplementary assessment in one installment, or may call the same in several installments.

The said report of the commissioners allocating the assessment levied for the purposes of the construction and maintenance of the original project, after having been approved and filed for record in each county as aforesaid, shall continue in force as the basis for apportioning and allocating subsequent assessments for construction, maintenance, repair, or operation of the works of the project, and for the incidental expenses of conducting the said district. All provisions of this act, with respect to the levy and collection of assessments, shall be applicable to such supplemental assessments.

Special assessments, when and how made.

SEC. 23. In the event that the original assessment is insufficient to provide for the completion of the project or if the board of directors of the district should determine that it is for the best interests of the land owners in the district to acquire property or construct works in connection with said project which are not contemplated and covered by the original plans and estimates herein provided for, the board of directors is authorized to levy and collect a special and additional assessment in the manner and proportions herein provided for other assessments sufficient to complete the project or to acquire the property or construct the works desired unless the estimated cost of such completion of the project or acquisition of property or construction of works shall in the aggregate exceed ten per cent of the estimated cost of the original project and in that event a statement of the work necessary to be done to complete the project and the estimated cost thereof or descriptions of such property to be so acquired, or additional plans and specifications of such works, as the case may be, shall be prepared by the board of directors and filed with the state engineer and thereafter the board of directors shall call a special election, to be held within said district, at which shall be submitted to the owners of assessed lands in the district the question whether or not the said property shall be acquired or the additional works shall be constructed in accordance with the plans so prepared as the case may be. If a majority of the votes cast shall be in favor of acquiring the property or constructing the works the board of directors shall proceed to levy and collect an assessment covering the cost thereof in the manner and proportions herein provided for other assessments. Such election shall be conducted, save and except as in this section otherwise specifically provided, in accordance with the provisions of this act relating to other elections in the district.

BONDS.

Bonds, when and in what manner and form issued and how validated, certified, sold, paid, and proceeds accounted for.

SEC. 24. Whenever in any water storage district any assessment has been levied and assessed upon the lands of said district and remains unpaid in whole or in part, and, in the judgment and opinion of the board of directors of said district, it shall be for the best interest of the district or the landowners therein to issue bonds for the purpose of obtaining money to pay the costs of the proposed project, the indebtedness of the district, or any other lawful charge, or when a petition signed by the owners of more than one-fourth of the total acreage of the assessed land in the district requesting it is filed with the secretary of said board, the board of directors of such district shall by order entered upon the records of said board order a special election to be held in said district, at which special election shall be submitted to the owners of assessed land in said district the question whether or not bonds of said district shall be issued in an amount equal to the amount of such assessment, or the part of such assessment remaining unpaid, which said amount shall be entered by said board of directors in its records and stated by them in the order for such special election.

The notice of such special election must state in addition to other statements required to be made therein, the aggregate face value of bonds proposed to be issued. Only owners of lands which have been assessed as provided herein shall be qualified to vote at such election. Such election shall be conducted, save and except as in this section otherwise specifically provided, in accordance with the provisions of this act relating to other elections in the district.

The ballots cast at such election shall contain the words "Bonds—Yes," or the words "Bonds—No," and also the name of the person casting the ballot, with the number of votes cast by him. A list of the ballots cast shall be made by the board of election containing the names of each voter, and if the ballot be cast by proxy also the name of the person casting it, and the number of votes cast by each, and whether the same be cast for or against the issuing of the bonds. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall deliver a certificate showing such result and the number of votes cast for and against the issuing of such bonds to the county clerk of the county, and shall deliver a duplicate thereof to the board of directors of the district, and shall also deliver to the said county clerk all ballots cast at such election within said county and all documents and papers used at such election, and except as in this section specifically provided the provisions of this act with reference to all matters pertaining to elections shall govern and control. The county clerks of the respective counties shall immediately upon receipt of the ballots, papers, and documents from the board of election certify to the board of directors at its office a statement of the result of said election held in each of said counties, with a statement of the number of votes for and in favor of the proposition of "Bonds—Yes" and opposed "Bonds—No." The board of directors shall thereupon in a certificate in writing recorded in their minutes declare that the proposal to issue bonds has carried or has been defeated, and stating therein the vote cast throughout the entire district, and a duplicate of such certificate shall be immediately transmitted to the state engineer.

If a majority of the votes cast at such election are in favor of the issuance of bonds, the board of directors of the district shall cause bonds in the amount stated in the order for the election to be executed and delivered, together with the assessment list segregated as to counties within said district, to the treasurer of said district. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; they shall be signed by the president of the board of directors of the district and attested by the treasurer of said district, and shall be numbered consecutively in the order of their maturity, and shall bear interest at a rate not to exceed six and one-half per cent per annum payable semi-annually on the first day of January and the first day of July in each year at the office of said treasurer, and at any other place within the United States which may be designated by said board, upon the presentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said bonds and shall bear the facsimile signature of the treasurer of said district. The principal of said bonds shall be

made payable on the first day of July, or the first day of January, and in such years as the directors may prescribe. Said bonds shall be payable serially within thirty years from their date in the manner following, to wit:

(1) Not less than ten per centum of the aggregate face value of such bonds issued shall be payable within ten years from their date;

(2) Not less than four and one-half per centum of the aggregate face value of such bonds remaining unpaid at the end of ten years shall be payable each year beginning with the eleventh year from their date, until the whole amount of said bonds has been paid.

Said bonds shall be substantially in the following form:

United States of America
State of California.
(Name) water storage district.

No.____ $____

(Name) water storage district for value received hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the treasurer of said district, at (place) in the State of California, on the first day of_____, the sum of $_____ in gold coin of the United States of America, with interest thereon in like gold coin from date hereof until paid, at the rate of_____ per cent per annum, payable at the office of said treasurer, or at (other designated places), semiannually on the first day of January and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is one of a series of _____ bonds of like tenor and effect (except as to denomination and maturity), numbered from _____ to _____ inclusive, amounting in the aggregate to _____ dollars, issued in accordance with the provisions of an act known as "California water storage district act," duly passed and adopted (stating when) and of the laws of the State of California, pursuant to an election held in said water storage district on the _____ day of _____, authorizing its issuance, and based upon and secured by an assessment levied on the lands in said district, and filed in the office of the county treasurers of the county (or counties) of _____ on the _____ day of _____, _____, and the said water storage district does hereby certify and declare that said election was duly called and held upon due notice, and the result thereof was duly canvassed and ascertained, in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and that all the acts and conditions and things required by law to be done, precedent to and in the issue of said bonds have been done and have been performed in regular and in due form and in strict accordance with the provisions of the law authorizing the issuance of water storage district bonds.

In testimony whereof, the said district, by its board of directors, has caused this bond to be signed by the president of said board and attested

by the treasurer of said district, with the official seal of said district affixed this_____day of_____.

_____
President of said board.

Attest:_____
Treasurer.

And the interest coupons may be substantially in the following form:

No._____ $_____

The treasurer of (name) water storage district, California, will pay to the holder hereof on the_____day of_____, _____, at his office at (place in the State of California, or at designated places), the sum of $_____, in gold coin of the United States, out of the funds of (name) water storage district for interest on bond of said district numbered_____.

_____
Treasurer.

The treasurer of said district shall place the bonds prepared pursuant to this act to the credit of the district. Thereafter when directed by resolution of the board of directors of the district, the treasurer shall sell the whole or any designated number of said bonds for the best price obtainable, but in no event for less than ninety per cent of the face value of said bonds and the accrued interest thereon. Before making a sale of said bonds, notice shall be given by the said treasurer by publication at least once a week for two successive weeks in the county in which the office of said district is located, that he will sell a specified amount of said bonds, and stating the day, hour, and place of such sale, and asking sealed proposals for the purchase of said bonds, or any part thereof. At the time appointed said treasurer shall open the bids and award the bonds to the highest responsible bidder. The treasurer upon written request of a majority of the directors must reject any or all bids. Any sale by the treasurer and delivery of the bonds thereunder shall be conclusive evidence in favor of the purchaser and all subsequent holders of the bonds that such sale was made upon due authority and notice. The proceeds of sale of said bonds shall be placed in the treasuries of the respective counties in which land included in the district is situate to the amount of the unpaid assessment in each county and credited to the bond fund of the district, and a proper record of such transaction shall be made upon the books of said treasurer. At any time within thirty days after the issue of any bonds as the result of such election an action may be commenced in the superior court of any said counties by the board of directors of said water storage district in the name of the district as plaintiff, and the defendants shall be described as "all persons claiming any interest in any lands within the said (name) water storage district," to have it determined that said bonds are a legal obligation of such water conservation district, and in the event no such action is brought then the same may be commenced by any land owner in the district within thirty days after the expiration of the period within which said action might have been brought by the board of directors. It shall be sufficient to describe said lands as all lands in the district (naming it) without a more specific description. The summons shall be published once a week for

two successive weeks in the county where the action is pending. Within thirty days after the first publication of summons any owner of land in such district or any person interested may appear and answer the complaint, which answer shall set forth the facts relied upon to show the invalidity of said bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions in such court, and judgment rendered declaring such matter so contested either valid or invalid. Any party not in default may have the right to appeal to the supreme court within thirty days after the entry of judgment. Judgment for the plaintiff in such proceedings shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein, and all owners thereof and other interested persons.

All moneys collected by a county treasurer upon any assessment upon which bonds shall have been issued, including all moneys derived from sale of land for delinquent installments, or from redemption thereof, or from sale of lands bought by such treasurer at any such sale as trustee of the bond fund of the district, shall be by such treasurer forthwith paid into the county treasury of the county from which the same arose to the credit of the bond fund of such water storage district, and shall be used exclusively for the payment of principal and interest of said bonds issued on such assessment.

Whenever the board of directors shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of a water storage district organized under this act, including any bonds of such district authorized but not sold, shall be made available for the purpose provided for in section seven of an act of the legislature of the State of California entitled "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies, and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, as amended, the said board of directors shall thereupon file a certified copy of such resolution with the commission created by, and provided for in, said act of June 13, 1913, which commission, and the state controller in connection therewith, are hereby given the same power and authority in respect of the investigation and certification of bonds issued under this act as is given to them in respect of the investigation and certification of irrigation district bonds by said act, as amended, except as the same may be limited by, or inconsistent with, any provision of this act, and bonds of water storage districts provided for in this act which have been so investigated and certified and by authority of such investigation and certification are declared to be legal investments for the purposes stated in said act of June 13, 1913, as amended, may be lawfully purchased, or received in pledge for loans by savings banks, trust companies, insurance companies, guardians, executors, administrators, and special administrators, or by any public officer or officers of this state or of any county, city, or city and county, or other munici-

pal or corporate body within this state having or holding funds which they are allowed by law to invest or loan; *provided, however,* that where said irrigation district bond commission has passed upon one issue of bonds of districts formed hereunder, that all subsequent issues of said districts shall be submitted to said commission as in said act provided.

The lien of any unpaid asessment upon which bonds shall have been issued shall continue until all said bonds shall have been paid in full, and if for any reason any part of the principal or interest of said bonds shall remain unpaid after enforcement of said assessment as in this act provided, the board of directors shall order an additional or supplemental assessment to be made as provided in this act sufficient to pay such unpaid principal and interest; which additional or supplemental assessment shall be enforced and collected in the same manner as the original assessment.

If any district having authorized the issuance of a series of bonds shall issue an additional series of bonds based on another assessment, the dates of maturity of such additional series of bonds shall be such that the latest maturities thereof shall not exceed forty years and the earliest maturity of bonds of such additional series shall be later than the latest maturity of bonds of any earlier series. All provisions of this section relative to the original issue of bonds shall apply to such additional series of bonds.

Upon a sale of any of the bonds provided herein the treasurer of the district is hereby authorized to accept in payment for said bonds, either in whole or in part, outstanding warrants of such district at their face value, together with the accrued interest thereon.

Where bonds of the district have been authorized to be issued on such assessments all unpaid assessments shall bear interest at the rate of seven per cent per annum from the date of the bonds issued thereon until such bonds shall have been fully paid and discharged, and the interest due at any time on said unpaid assessments may be called without calling any installment of the said assessment. The word installment as used in this section shall be construed as applying to interest as well as to principal as the case may be.

At least ninety days before any interest date of the bonds, the treasurer of the district shall certify to the county treasurer of each county in which lands of the district are situated an estimate of the amount of money and the percentage of the assessment together with interest thereon, or only of the interest, necessary to pay interest and principal or the interest maturing on such interest date after crediting thereon the funds in the treasury applicable to the payment thereof to be collected by such county treasurer, and shall add thereto fifteen per cent of such aggregate sum to cover possible delinquencies, and each said county treasurer shall thereupon cause to be published, once a week for two successive weeks in the county of which he is county treasurer, a notice substantially in the following form:

(Name of water storage district). Notice is hereby given that an installment of assessment (describing it) or (amount or proportion thereof including interest thereon or only for interest) is payable within thirty days from date by all assessed landowners of said district in the county of (name of county) to the treasurer of said county. All

or any part of said installment of interest which remains unpaid on the (day fixed) will be delinquent, together with accrued interest thereon, with twenty per cent of such installment and interest added as penalty.

Dated:----------

(Signed)----------

Treasurer of ----------county.

If no newspaper is published in said county, such publication shall be made in a newspaper published in an adjoining county. If any part of such installment or any interest thereon shall remain unpaid at the expiration of thirty days from the date of said notice, it shall become delinquent and twenty per cent of the unpaid amount of said installment and interest shall be added thereto and collected by said county treasurer. When any installment shall have become delinquent, said treasurer shall, within ten days, publish in said county once a week for two successive weeks a notice containing a description of each parcel of land assessed in the district in said county wherein such installment is delinquent, as such description appears on the assessment list, the name of the person to whom it is assessed, to unknown owners, if such is the fact; the amount of the installment delinquent on such parcel, the amount of interest thereon reckoned to the day of sale, the amount of said twenty per cent penalty thereon, and a notice that each of said parcels will be sold at public auction by said county treasurer in front of the courthouse of said county, at a specified day and hour, which shall not be less than thirty nor more than sixty days from the date of delinquency, to pay said delinquent installment, with said accrued interest and penalty. At the time stated in said notice, the county treasurer shall sell each parcel of land described in said notice to the highest bidder, unless prior thereto he shall have received payment in full of said delinquent installment, together with interest and penalty. No bid for any parcel shall be accepted less than the aggregate sum then due on said installment thereon with interest and penalty, and such sale shall be made for cash, except the treasurer may receive from any purchaser at their face value in lieu of cash bonds of said district or their interest coupons, issued on said assessment and then matured or to mature within sixty days after such sale. Any bond or coupon so received in payment shall be by the county treasurer forthwith canceled and filed in the office of the treasurer of said district. If the entire amount of such bond or coupon tendered in payment shall not be required to complete payment of the purchase money, the county treasurer shall endorse thereon as paid the amount of such purchase money credited thereon. If no bid is made for any parcel at such sale equal to the amount of the installment delinquent thereon, with interest and penalty, the county treasurer shall bid in and sell said parcel to himself and his successors in office, as trustee of the bond fund of said district, as purchaser, for the amount of said installment, interest, and penalty. The county treasurer shall execute to each purchaser, including himself as trustee a certificate of sale, and shall record a duplicate in the county recorder's office. Any person interested in the said property may redeem the same at any time within one year after the

date of sale by paying to the county treasurer for such purpose a sum equal to the purchase price stated in the certificate, with interest thereon at the rate of twelve per cent per annum from the date of sale to such redemption. If no redemption shall be made within one year, the said county treasurer upon demand and surrender of such certificate of purchase, shall execute to the purchaser, his heirs or assigns, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all encumbrances, except state, county and municipal taxes, assessments or taxes levied or assessed by or under statutory authority, and any subsequent water storage district assessment remaining unpaid at the date of said sale each installment whereof may be called and collected as herein provided, except that no parcel sold and conveyed to the district shall thereafter be subject to sale by the county treasurer for delinquent installments. Every deed by a county treasurer purporting to be executed under this section shall be prima facie evidence of the truth of the matters therein recited, and of ownership by the grantee of the lands therein described. The county treasurer of each county shall credit to the bond fund of the district all moneys collected by him by sale or otherwise, upon assessments against which bonds shall have been issued, including interest and penalties, and he shall likewise credit to said fund the amounts of purchase money paid in bonds or coupons on sales made under said assessment. Each county treasurer shall charge to the general fund of the district, or to the bond fund if he has no money to the credit of the general fund, the expense of publication of notices and of recording certificates of sale, and shall notify the treasurer of the district thereof. The county treasurer shall transmit to the treasurer of the district all canceled bonds and coupons received in payment on any delinquent sale, and a memorandum of all sums endorsed as paid upon account of purchase money on any bonds or coupons, specifying the same. All moneys collected by any county treasurer upon account of an assessment on which bonds shall not have been issued shall be similarly accounted for to the treasurer of the district, and shall be credited to the general fund of the district. Any parcel of land bid in and purchased by any county treasurer as aforesaid, as trustee of the bond fund of the district, may be sold and conveyed by him or his successor in office at any time after the expiration of said redemption period of one year, at public or private sale and with or without notice, to any person paying him the amount for which said parcel was bid in by said treasurer at delinquent sale, with interest thereon at the rate of seven per cent per annum, compounded yearly, from the date of said delinquent sale, and also the amount of all subsequent installments then delinquent, with accrued interest and penalties thereon. Such payment may be made either in cash or in matured bonds and coupons issued on said assessment, taken at their face value, and such treasurer shall execute a deed to such purchaser upon such sale, conveying said property free of encumbrances, except as hereinbefore provided for deeds where no redemption is made. If any land so held by a county treasurer as trustee of the bond fund of a district shall remain unsold after the final installment of the assessment shall have been collected by payment or sale, then

each such treasurer shall sell all said land so held by him at public auction to the highest bidder for cash, upon once a week for two weeks published notice in said county, and shall deposit the proceeds of such sale in the treasury of the county to the credit of the bond fund of the district. Any balance remaining in such bond fund, after payment in full of the principal and interest of all outstanding bonds of the district, shall be by the treasurer transferred to the general fund of the district. The county treasurer of each of the several counties shall report all transactions of delinquencies and sales to the treasurer of the district who shall keep a record thereof in the office of the district.

POWERS AND DUTIES OF BOARD OF DIRECTORS.

General powers.

SEC. 25. The board of directors shall have the power and it shall be its duty to manage and conduct the business and affairs of the district; to adopt a seal; to make and execute all necessary contracts; to employ and appoint such agents, officers, and employees as may be required, and prescribe their duties. The board and its agents shall have the right to enter upon any lands to make surveys, locate works, or for any other necessary and lawful purpose. The board shall have the power to construct, maintain, improve, and operate the necessary dams, reservoirs, canals, and works for the storage and distribution of water, and any drainage or reclamation works connected therewith, and to provide for the generation and distribution of hydro-electric energy incidental to such storage and distribution and shall have the power to sell, distribute, or otherwise dispose of, such water, water rights, and hydro-electric energy. The board shall also have the right to acquire by purchase, lease, contract, or other legal means, all lands, waters, water rights, or any use thereof or interest therein, and any other property or rights by it deemed necessary for the construction, maintenance, improvement, and operation of the works or the carrying out of the project of the district, whether the same be in this or another state or foreign nation, including the property and rights of private owners, and stocks of other corporations domestic or foreign, and may give in payment therefor bonds of such district upon such terms and conditions as the board of directors may deem best: *provided, however,* that no bonds shall be so used at a valuation less than ninety per cent of the face value of the same and the accrued interest thereon. Said board may also enter into, and do any acts necessary or proper for the performance of, any agreement with the United States or with any state, county, district, public corporation, or municipality of any kind, for a purpose appertaining to or beneficial to the project of the district, and may acquire the right to store water in any reservoir, or to carry water through any canal, ditch or conduit within or without this state not owned or controlled by the district and may grant to the owner or lessee of a right to the use of any water permission to store such water in any reservoir of the district or to carry such water through any canal, ditch, or conduit of the district. The said board is hereby authorized and empowered to take conveyances, leases, contracts, or other assurances for all property acquired by it under the provisions of this act,

in the name of such district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges, and immunities created by this act or acquired in pursuance thereof. All contracts and other documents executed by the board shall be signed by the president and by the secretary. And in all actions, suits, or proceedings, the said board may sue, appear, and defend in person or by attorneys, and in the name of such district. The board of directors shall have power whenever it deems it necessary for its own guidance or for the best interests of the district to submit any question or proposition relating to the construction, maintenance, improvement, or operation of the works or the carrying out of the project of the district, to the qualified voters of the district at any general election or at a special election called for the purpose, which election shall be in all respects conducted as is provided for other elections in the district. The said board shall have power generally to perform all such acts as may be necessary to fully carry out the purposes of this act.

Power of condemnation.

SEC. 26. The board of directors shall have the right and power to acquire by condemnation all lands, waters, water rights, or any use thereof or interest therein, and any other property or rights by it deemed necessary for the construction, maintenance, improvement, and operation of the works, or the carrying out of the project of the district. In case of condemnation proceedings the board shall proceed in the name of the district under the provisions of section fourteen of article one as amended of the constitution of the State of California, and title seven, part three of the Code of Civil Procedure of California and all pleadings, proceedings, and process in said title provided shall be applicable to the condemnation proceeding hereunder.

Construction and maintenance of works.

SEC. 27. The board of directors shall proceed to carry out the project of the district in accordance with the plans and specifications of the duly approved and adopted report of said board. Before making any contract for the construction of any works in carrying out said project, or for the subsequent maintenance, improvement, or operation thereof, said board shall advertise for bids. When such work is to be done said board shall give notice by publication thereof in the county in which the office of the board is located once a week for four successive weeks, calling for bids for the same. If less than the whole work provided for in said plans and specifications is to be done and advertised, the portion to be done must be particularly described in such notice. Said notice shall set forth that plans and specifications of the work to be done can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed shall be opened in public; and as convenient thereafter the board shall let said work

either in portions or as a whole, to the lowest responsible bidder; or it may reject any or all bids and readvertise for proposals or may proceed to construct the work under its own superintendence; *provided,* that in case of emergency or urgent necessity the board of directors, by unanimous vote of those present at any regular or special meeting, may award contracts without advertising for bids, but the amount of any contract so awarded shall not exceed ten thousand dollars. Contracts for the purchase of materials only shall be awarded to the lowest responsible bidder. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for twenty-five per cent of the amount of the contract price, conditioned for the full and faithful performance of said contract. The work shall be done under the direction and to the satisfaction of, and be approved by the board.

Payment of claims.

SEC. 28. All claims against the district shall be paid by warrants of said district. To provide a fund for that purpose the board of directors may from time to time draw from the general fund deposited and kept to the credit of the district in the office of the county treasurer of a county having funds belonging to the district in his possession sums aggregating not more than twenty-five thousand dollars, which said sum shall be deposited with the treasurer of the district and paid out by him upon warrants of the district, and he shall report to the board of directors in writing at its regular meeting in each month the amount of money in the district treasury and the amount of receipts and the amount and items of expenditures for the month preceding, which said report shall be verified and filed with the secretary of the board.

Reports to state engineer of work done.

SEC. 29. During the construction of any works in carrying out the project of any water storage district the board of directors of such district shall, within one week after each regular meeting of said board, forward to the State Engineer a report of the progress of such construction together with a statement of the amount, or amounts, paid for the doing of such work. The board of directors at their regular monthly meeting in January of each year shall render and immediately thereafter cause to be published in the county where the office of said board is situated at least once a week for two successive weeks a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Immediately after the publication of said statement the board of directors shall cause a copy thereof accompanied by a report stating the progress of the work under construction and the general condition of the project and whether or not the same is being successfully and satisfactorily carried out, and any other matter which the board may deem proper, to be filed with the state engineer, who shall examine said statement and report and make to the board of directors such recom-

mendations and comments as he may deem proper and may publish said recommendations and comments in such manner as may be deemed advisable. Said state engineer may at any time make or cause to be made an examination of the affairs of any water storage district within the state or call upon the board of directors of such district for such information as he may desire, and may make and publish such report thereon as he may deem advisable.

Right of way privileges.

SEC. 30. The board of directors shall have power to construct the said works across or intersecting any stream of water, water-course, street, avenue, highway, railway, canal, ditch, or flume, in such manner as to afford security for life and property; but said board shall restore the same, when so crossed or intersected, to its former state as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by said works shall unite with said board in forming said intersections and crossings, and grant the privileges aforesaid; and if such railroad company and said board, or the owners and controllers of said property, thing, or franchise to be so crossed, can not agree upon the amount to be paid therefor, or the points or the matter of said crossings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of land. The right of way is hereby given, dedicated, and set apart for the location, construction, and maintenance of said works over and through any of the lands which are now or may be the property of this state; and also there is given, dedicated, and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this state within the district.

Compensation of officers.

SEC. 31. The members of the board of directors when sitting as a board or acting under the orders of the board, shall each receive not to exceed ten dollars per day and ten cents per mile for each mile actually traveled from his place of residence to the office of the board, and actual and necessary expenses paid while engaged in official business under the order of the board. The board shall fix the compensation to be paid to all other officers and employees named in this act, to be paid out of the treasury of the district, except as herein otherwise provided.

Officers not to be interested in contracts.

SEC. 32. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Incurring indebtedness.

SEC. 33. The board of directors or other officers of the district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such provisions shall be and remain absolutely void; *provided,* that nothing contained in this section shall be construed as limiting the right of the board to enter into any contract for the use of or lease for any lands, water, water rights, or other property, as in this act provided, and by such lease or contract to bind the district for the payment of the rental or consideration specified in such lease or contract.

Distribution of water under certain conditions.

SEC. 34. In the event the volume of the water under the control of the district is so diminished that the distribution thereof in accordance with the apportionment of such water as finally made and approved by the adjustment board as prescribed in section nineteen of this act, will not, in the judgment of the board of directors, result in an economical, efficient, and beneficial use of such water, said board shall have the power to distribute in a just and equitable manner the water available, in such manner, at and for such times, and in such quantities as, in the judgment of said board, will best promote the interests of said district.

GENERAL ELECTIONS.

Establishment of precincts.

SEC. 35. The board of directors of a water storage district shall establish a convenient number of election precincts in the district and define the boundaries thereof and at least one such precinct must be established for each division of the district, and said board whenever it is deemed advisable for the best interests of the district and the convenience of the voters may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of any such election precinct, which changes when made must be entered upon the minutes of the board.

Qualification of voters.

SEC. 36. No person shall be entitled to vote at a general election unless he holds title or evidence of title to land in such district, and any holder of land under a possessory right acquired by entry or purchase from the United States or the State of California shall be deemed to be a holder of evidence of title to land, and each qualified voter shall be entitled to vote in person or by written proxy in each precinct in which he is such holder of title or evidence of title to land and to cast one vote for each one hundred dollars worth, or any fraction thereof, of any land in said precinct owned by him. No person shall vote by proxy unless his authority to cast such vote shall be evidenced by an instrument in writing duly acknowledged and certified in the same manner as grants of real property and filed with the board of election.

Elections, when held; officers to be elected.

SEC. 37. An election, which shall be known as the general water storage district election, shall be held in each water storage district on the first Wednesday in February in each odd-numbered year, at which a successor shall be chosen to each officer whose term shall expire in March next thereafter. The person receiving the highest number of votes for each office to be filled at such election shall be elected thereto. The term of office of each elective officer of the district elected after the election on organization provided for in section seven of this act shall be four years, or until his successor is elected and has qualified.

Notice of election; appointment of election officers.

SEC. 38. Twenty days before a general election held under this act, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a general notice of the same in the office of said board specifying the polling places of each precinct. Affidavits of the publication and posting of such notice must be filed with the county clerk of each county in the district, together with a copy of the order calling the election certified by the president of the board of directors, and duplicates filed with the board of directors. Prior to the time for posting the notices, the board must appoint for each precinct, from the voters thereof, one inspector and two judges, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the voters of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The board of directors must, in its order appointing the board of election, designate the place within the precinct where the election must be held.

Nominating petitions.

SEC. 39. Not less than ten days before the election, any ten or more qualified voters in any division of the district may file with the board of directors a petition, requesting that certain persons, specified in such petition, be placed on the ballot as candidates for the office named in the petition. The names proposed by the various petitions so filed, and no others, shall be printed on the ballots. But there shall be sufficient blank spaces left in which voters may write other names if they so desire. The petitions shall be preserved in the office of the secretary of the district.

Election officers, powers and duties of.

SEC. 40. The inspector is chairman of the election board and may administer all oaths required in the process of an election; and appoint judges if, during the progress of the election, any judge ceases to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of an election. Before opening the polls, each member of the board must take and subscribe an oath to faithfully perform the duties imposed

upon him by law. Any voter of the precinct may administer and certify such oath. The polls must be opened at eight a.m. on the morning of the election, and be kept open until four p.m., when the same must be closed.

Ballots and manner of voting.

SEC. 41. The ballot used at the election shall be provided by the board of directors, and one of the judges of election shall deliver to each of the qualified voters one of the ballots so provided. The ballots shall have printed on them the names of all candidates whose names have been filed as provided in this act, with a voting square behind each name; *provided,* that the ballots in each division of the district shall have on them names of persons to be voted for as director to represent that division only, and no director shall be elected by the district at large. The names shall be arranged in groups, alphabetically, under the designation of the office for which each person named is a candidate. Each voter shall stamp a cross, with a rubber stamp to be provided by the board of directors, in the square behind the name of each candidate he wishes to vote for. Each ballot cast shall contain the name of the person casting the ballot with the number of votes cast by him. A list of the ballots cast shall be made by the board of election containing the names of each voter, and if the ballot be cast by proxy the name of the person casting it, the number of votes cast by each, and whether the same be cast for or against the proposition submitted at the election.

Voting and counting of votes.

SEC. 42. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened, and shall be conducted as nearly as practicable in accordance with the provisions of the general election laws of this state. As soon as all votes are counted, a certificate shall be drawn upon each of the papers containing the poll lists and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by a judge and the inspector. One of said certificates, with the poll list and the tally paper to which it is attached, shall be retained by the inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the inspector, during the counting thereof, in the order in which they are entered upon the tally list by the judges; and said ballots, together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector in the presence of the judges and indorsed "Election returns of (naming the precinct) precinct," and be directed to the secretary of the board of directors, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months; and if any qualified voter of the district be of the opinion that the vote of any precinct has not been correctly counted, he may appear on the day appointed for the board

of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted. No list, tally paper, or certificate returned from any election shall be set aside or rejected for want of form, if it can be satisfactorily understood.

Canvass of votes.

SEC. 43. The board of directors must meet at its usual place of meeting on the first Monday after each election to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and ascertaining the vote of the district for each person voted for, and declaring the result thereof.

Statement of results; vacancy in office, how filled.

SEC. 44. The secretary of the board of directors must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement must show: (*a*) the whole number of votes cast in the district, and in each division of the district; (*b*) the names of the persons voted for; (*c*) the office to fill which each person was voted for; (*d*) the number of votes given in each precinct to each of such persons; (*e*) the number of votes given in each division for the office of director, and the number of votes given in the district for the office of treasurer. The board of directors must declare elected as director the person having the highest number of votes for that office in each division, and as treasurer the person having the highest number of votes in the district. The secretary must immediately make out and deliver to such persons certificates of election, signed by him, and authenticated with the seal of the board.

In case of a vacancy in the office of treasurer, the vacancy shall be filled by appointment of the board of directors; *provided,* that if said board of directors shall neglect or refuse to make such appointment within a period of forty days, then the state engineer shall make such appointment. In case of a vacancy in the office of director, the vacancy shall be filled by appointment by the state engineer from the division in which the vacancy occurred. An officer appointed as above provided shall hold his office for the remainder of the unexpired term to fill which he is appointed, and until his successor is elected and qualified.

Official bonds.

SEC. 45. Within ten days after receiving their certificates of election herein provided for, said officers shall take and subscribe the official oath, and file the same in the office of the board of directors, and execute the bond hereinafter provided for. The treasurer of the district shall execute an official bond in the sum of fifty thousand dollars to be approved by the board of directors; *provided,* that the

board may, if it shall be deemed advisable, fix the bond of the treasurer to suit the conditions of the district, the maximum amount thereof not to exceed fifty thousand dollars, and the minimum amount thereof not to be less than ten thousand dollars. Each member of the board of directors shall execute an official bond in the sum of five thousand dollars, which said bonds shall be approved by a judge of the superior court and shall be recorded in the office of the county recorder of the county in which the office of the board is situated, and filed with the secretary of said board. All official bonds herein provided for shall be made payable to the proper water conservation district and shall be in the form prescribed by law for the official bonds of county officers and the premiums thereon may be paid by the district; *provided*, that in case any district organized under this act is appointed fiscal agent of the United States or by the United States in connection with any federal reclamation project, each of said officers shall execute a further and additional official bond in such sum as the secretary of the interior may require, conditioned for the faithful discharge of the duties of his office and the faithful discharge of the district of its duties as fiscal or other agent of the United States under any such appointment or authorization, and any such bond may be sued upon by the United States or any person injured by the failure of such officer of the district to fully, promptly, and completely perform their respective duties.

If election not held, provision for special election.

SEC. 46. If an election is not held as herein provided, then upon the filing of a petition with the secretary of the board of directors of such district, signed by ten per cent of the qualified voters residing within the boundaries of any such district, requesting that a special election be called for the election of such officers, the directors of such district shall thereupon call a special election thereof for the election of such officers, such election to be held within not less than fifteen, nor more than thirty days after the filing of such petition.

Beginning of terms of officers; organization of board of directors.

SEC. 47. At noon of the first Tuesday in March next following their election, except as provided in section twelve of this act, the officers who shall have been elected at the preceding general district election shall enter upon the duties of their respective offices. On the first Tuesday in March next following each election, the directors shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board.

Recall of officers.

SEC. 48. The holder of any elective office of any district may be removed or recalled at any time by the voters; *provided*, he has held his office at least six months. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the secretary of the board of directors of such district, which petition shall be signed by qualified voters constituting at least twenty-five per cent of the highest vote cast within such district for candidates for the office,

the incumbent of which is sought to be removed, at the last general election in such district at which an incumbent of such office was elected, or, in the case of the removal of the incumbent of an office elected by a subdivision of such district, such petition shall be signed by a like percentage of qualified voters of such subdivision computed upon the total number of votes cast in such subdivision for all candidates for the office, the incumbent of which is sought to be removed, at the last general election in such subdivision at which an incumbent of such office was elected; and said petition shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the voters. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the precinct, and if within a town having named streets and numbered houses, street and number. Each such separate paper shall have attached thereto an affidavit made by a qualified voter of the district and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; and that according to the best information and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed and of a qualified voter of the district. Within ten days from the date of filing such petition, the secretary of the board shall examine and from the records of qualified voters ascertain whether or not said petition is signed by the requisite number of such qualified voters, and he shall attach to said petition his certificate showing the result of said examination. If by the said certificate the petition is shown to be insufficient, it may be supplemented within ten days from the date of such certificate, by the filing of additional papers, duplicates of the original petition except as to the names signed. The secretary shall, within ten days after such supplementing papers are filed, make like examination of a supplementing petition, and if a certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect. If the petition shall be found to be sufficient, the secretary shall submit the same to the board of directors without delay, whereupon the board shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer; *provided,* that if a general water storage district election is to occur within sixty days from the date of the order calling for such election, the board may in its discretion postpone the holding of such election to such general election or submit such recall election at any such general election for officers of such district occurring not less than thirty-five days after such order. If a vacancy occur in said office after a recall petition is filed, the election shall nevertheless proceed as in this section provided. One petition is sufficient to pro-

pose a removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials. Nominations for any office under such recall election shall be made in the manner prescribed by section thirty-nine of this act.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "yes" and "no" on separate lines, with a blank space at the right of each, in which the voter shall indicate by stamping a cross (X) his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "no," said incumbent shall continue in said office. If a majority shall vote "yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The election shall be conducted, canvass of all votes for candidates for said office shall be made, and the result declared in like manner as in a regular election within such district. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law. If the vote at any such recall election shall not recall the officer, no further petition for the recall of such officer shall be filed before the expiration of six months from the date of such first recall election.

SPECIAL ELECTIONS.

Special elections, how held.

SEC. 49. Notice of any special election to be held pursuant to the provisions of this act must be given by posting notices in three public places in each election precinct in the water conservation district for at least twenty days, and also by publication of said notice once a week for three successive weeks in each county in which any land in said district is located. Such notice must specify the time and place of holding the election and the purpose thereof. Unless otherwise in this act expressly specified said election shall be held and the result thereof determined and declared as nearly as may be in accordance with the provisions of this act relating to general water conservation district elections; *provided,* that no informalities in conducting such election shall invalidate the same if the election shall have been otherwise fairly conducted.

GENERAL PROVISIONS.

Contest of elections.

SEC. 50. Any election held under the provisions of this act may be contested by any person owning property within the district, or proposed district, liable to assessment. Such contest shall be brought in the superior court of any county in which some portion of the land within the district or proposed district is situated and shall be conducted in the manner provided for contests of election by title two of part three of the Code of Civil Procedure of California, except that in the case of a contest not involving the right of a person declared elected to an office to hold such office the directors of the district shall be made parties to the contest. The court having jurisdiction shall speedily try such contest and determine upon the hearing whether the election was fairly conducted and in substantial compliance with the requirements of this act and enter its judgment accordingly. Such contest must be brought within twenty days after the canvass of the vote and declaration of the result. The right of appeal is hereby given to either party to the record within thirty days from entry of judgment. The appeal must be heard and determined by the supreme court within sixty days from the time of the filing of the notice of appeal.

Determination of ownership and value of land.

SEC. 51. For all purposes of this act relating to signing petitions and voting at any election, and for all other purposes when the question of title to or value of land claimed to be owned by a petitioner or voter is involved, the county assessment roll last equalized at the time of the election or filing of the petition, in each county wherein any such land is situated shall be sufficient evidence of ownership and value. If any parcel of land is assessed on any such assessment roll to unknown or fictitiously named owners, or to unnamed owners in addition to any owner or owners named thereon, said parcel of land shall be deemed for any of the purposes of this act to have but one owner in addition to any owner or owners whose true name or names may be purported to be given on such assessment roll. The holder of title or evidence of title to an undivided interest in any land affected by any of the provisions of this act may sign any petition or vote at any election provided for in this act, and such undivided interest shall be counted and valued as though it were a separate interest, and if the assessment roll shall fail to indicate the extent of any such undivided interest the holders of title or evidence of title whose undivided interests in any land are not specifically defined shall be deemed to have equal shares therein. Where property has been conveyed prior to the election and such change of interest does not appear by such assessment roll the original deed of conveyance, or a copy thereof duly certified by the county recorder of the county wherein the same has been recorded, or otherwise authenticated, shall be sufficient evidence to entitle the holder thereof to vote the acreage therein described. Any person not legally qualified to vote who shall make any false statement in respect to his right to vote shall incur all of the penalties provided in the Penal Code of the State of California for persons illegally voting at elections. The certificate of the register of the United States land office for the district in which

the lands are situated, or of the surveyor general of the State of California, shall be sufficient evidence of possessory right in any lands entered under the laws of the United States or of the State of California. Guardians, personal representatives and other persons holding land in a trust capacity under appointment of court may sign any petition and may vote at any election in behalf of the estate represented by them without obtaining any special authority therefor. A certificate of acknowledgment taken before a notary public or justice of the peace of any state, or an affidavit by any person in the presence of whom a petition was signed, shall be sufficient evidence of the genuineness of such signature and of the fact of place of residence of any petitioner under this act. The state engineer shall, prior to the election on organization, and at all subsequent elections the board of directors shall, cause to be prepared and certified and furnished to the election board at each voting place in the district a copy of each of said assessment rolls as far as the same pertains to any land in the respective precincts, and shall likewise cause to be prepared and furnished to the election boards lists certified by the register of the United States land office or the surveyor general of the State of California, as the case may be, showing the lands entered under the laws of the United States or of the State of California, respectively, which said lists, so far as disclosed by the records of said offices, shall contain the names of the persons entitled to possessory rights therein and the quantity of land held by each of said persons by virtue of said rights. Said assessment rolls and said lists shall be used by the election boards in determining the qualifications of voters and the number of votes each voter is entitled to cast.

Where a tract of land is situated partly within and partly without the boundaries of an election precinct and the assessment roll contains a valuation of said tract as a whole the same must be apportioned according to the number of acres lying within and without the boundaries of said precinct. If there shall be included in any assessment roll or list as furnished to an election board any land which has no valuation assigned to it, then the state engineer or the board of directors, as the case may be, shall request the county assessor of the county in which such land is situated to value said land and it shall be the duty of such county assessor to prepare and furnish to the state engineer or board requesting it a statement of the value of such land as the same shall be appraised by him, which value shall be arrived at as nearly as may be done in the same manner and upon the same basis as was the valuation for purposes of taxation assessed upon other lands in the precinct similarly situated, and the valuation so made by the county assessor shall be furnished to the election board of the precinct in which the land so valued is situated and shall be used by the election board in determining the number of votes which the holder of title or evidence of title to such land is entitled to cast.

Publication, how and where made.

SEC. 52. Whenever any notice or publication, or notice of publication, or official advertising, or publication of process is required to be given or made by the provisions of this act the same, unless otherwise specifically provided in this act, shall be given or made in a newspaper

of general circulation as defined by the laws of this state, printed and published in each county in which any of the lands in a water conservation district, or a proposed water conservation district, are situated, and if in any such county or counties there be no such newspaper then in a newspaper printed and published in an adjoining county.

State engineer, additional duties of.

SEC. 53. The state engineer shall have authority and it shall be his duty to give information, so far as may be practicable, to persons contemplating the organization of a water storage district, and whenever the department of engineering of this state shall deem it in the public interest that preliminary surveys and field investigations of proposed water storage district projects shall be made at the expense of the state the state engineer shall make such surveys and investigation and prepare a report thereof which shall be kept on file in his office.

Records of proceedings.

SEC. 54. The state engineer and the board of directors of every water storage district shall, respectively, cause to be entered in books to be kept for that purpose a complete and connected record of all their acts and transactions and shall execute all contracts and other written instruments in duplicate, one copy of each of which, together with any other documents, instruments, or other papers filed with them, shall be kept and preserved on file in their respective offices and open to inspection by the public during business hours. Said records and all documents, instruments, or other papers filed as above provided, or a copy or copies of any thereof certified by the state engineer or secretary of the board, shall be received in evidence without further proof in any court of this state, or before any board or tribunal authorized to hear or consider a matter wherein the same shall be properly admissible in evidence.

Title to, and disposition of property.

SEC. 55. The legal title to all property acquired under the provisions of this act shall by operation of law, immediately upon the acquisition thereof, vest in the water storage district by which it is acquired, and shall be held by such district in trust for the uses and purposes set forth in this act, and is hereby dedicated and set apart to said uses and purposes. The board of directors is hereby authorized and empowered to hold, use, manage, occupy, and possess said property and may determine by resolution duly entered upon its minutes, that any property, real or personal, held by the district is not necessary for the uses and purposes thereof and may sell the same for an adequate consideration; and a conveyance or transfer of any of the property of a district executed by the president and secretary of its board of directors in pursuance of a resolution of the board adopted as above provided, shall convey good title to the property.

Warrants, how drawn.

SEC. 56. Warrants drawn by the state engineer shall be signed by him and shall be drawn upon the treasurer of the water storage district. Warrants, drawn by the board of directors shall be signed by its president and secretary and countersigned by its treasurer, and shall be drawn upon the county treasurer of a county having funds belonging to the district in his possession for payment of the principal or interest of bonds, and upon the treasurer of the district or the county treasurer of such a county, as the case may be, for payment of all other claims and demands.

Warrants, payment of and interest on unpaid.

SEC. 57. Whenever any warrant of the district payable on demand is presented for payment when funds are not available for the payment thereof, it shall thereafter draw interest at a rate to be determined by resolution of the board of directors, not, however, to exceed seven per centum per annum, until public notice is given that such funds are available. Upon the presentation of any such warrants for payment when funds of the district are not available to pay the same, the treasurer of the district or of the county, as the case may be, shall endorse thereon the words "funds not available for payment," with the date of presentation, and shall specify the interest that such warrants shall thereafter bear and shall sign his name thereto. He shall keep a record showing the number and amount of each such warrant, the date of its issuance, the person in whose favor it was issued, and the date of its presentation for payment, and such warrant is and shall be considered as a contract in writing for the payment of money and the period prescribed for the commencement of an action based upon such warrant is and shall be four years from the date of issuance. Whenever there is sufficient money in the treasury to pay all such outstanding warrants, or whenever the board of directors shall order that all such warrants presented for payment prior to a certain date be paid and there is sufficient money available for such payment, the proper treasurer shall publish a notice once a week for two successive weeks in some newspaper published in the county in which the office of the board of directors is situated, stating that he is prepared to pay all warrants of the district for the payment of which funds were not available upon their original presentation, or all such warrants which were presented for payment prior to the date fixed by the board of directors as the case may be, and no further description of the warrants entitled to payment need be made in such notice. Upon the presentation of any warrant entitled to payment under the terms of such notice, the treasurer shall pay it together with interest thereon at the rate specified by the board of directors, from the date of its original presentation for payment to the date of the first publication of said notice, and all warrants for the payment of which funds are declared in said notice to be available shall cease to draw interest at the time of the first publication of said notice. The treasurer shall enter in the record hereinbefore required to be kept, the dates of the payment of all such warrants, the names of the persons to whom payments are made, and the amount paid to each person.

Declaration of public use.

SEC. 58. It is hereby declared that the State of California has a paramount interest in the storage, conservation and diversion of water, the prevention of floods, the irrigation, drainage, and reclamation of land and the production of electric energy; and that such storage, conservation, diversion, irrigation, prevention of floods, reclamation, drainage, and production of electric energy will make productive vast quantities of land that are comparatively unproductive and will increase production, property valuations, and population in the state, make profitable the cultivation of small tracts and promote subdivision of larger tracts, and will promote the welfare and prosperity of all the people. The powers herein conferred upon the state engineer and board of directors are hereby declared to be police and regulatory powers and are necessary to the accomplishment of a purpose that is indispensable to the public interests, and the water storage districts hereunder provided to be formed are districts of the nature of irrigation, reclamation, or drainage districts in respect to all matters contemplated in the provisions of the constitution of the State of California relating to irrigation, reclamation, or drainage. The use of all water required for the irrigation of the lands of any district formed under the provisions of this act and for domestic and other incidental and beneficial uses within such district, together with the rights of way for canals and ditches, sites for reservoirs and all other property required in fully carrying out the provisions of this act is hereby declared to be a public use, subject to the regulation and control of the state, in the manner prescribed by law.

Exemption of property from taxation.

SEC. 59. The rights of way, ditches, canals, flumes, pipe lines, dams, water rights, reservoirs, power plants, and transmission lines, and all other property of like character belonging to a water storage district shall not be taxed for state and county or municipal purposes.

Conduct of actions.

SEC. 60. The court or other board or tribunal having jurisdiction before whom any action, proceeding, or contest in this act provided for is heard shall, when considering the regularity, legality, or correctness thereof, disregard any error, irregularity, or omission which does not affect the substantial rights of the parties concerned. In all such actions, proceedings, or contests the rules of pleading and practice provided by the Code of Civil Procedure of California, in so far as they are not inconsistent with the provisions of this act, shall apply. A motion for a new trial or hearing in such action, proceeding, or contest must be heard and determined within ten days from the filing of the notice of intention. The costs on any such action, proceeding, or contest may be allowed and apportioned between the parties or taxed to the defeated party in the discretion of the court, board, or tribunal before whom the same is heard. No such action, proceeding, or contest shall be commenced other than within the time and manner herein specified, and in the determination thereof all findings of fact or con-

clusions of the state engineer or the board of directors upon all matters shall be held to be conclusive unless the action, proceeding, or contest was instituted within six months after such findings or conclusions were made.

Consolidation of actions.

SEC. 61. If two or more actions or contests shall be pending at the same time in the same court or before the same board or tribunal for the purpose of contesting or determining the validity of identical or similar acts or matters under the provisions of this act, said actions or contests shall be consolidated and tried together.

Neglect of official to perform duty.

SEC. 62. It shall be the duty of the state engineer to ascertain whether the duties relating to the levying and collection of any assessment or assessments provided for in this act have been performed by the proper officer, and if the engineer shall learn that any officer of the district or of any county therein has neglected or refused to perform such duty he shall forthwith notify the district attorney of the county in which the office of the district is located of such failure or neglect, and said district attorney shall, thereupon, after due notice to the official or officials involved, take such proceedings in court as may be necessary to compel the performance of such duty.

Penalty for violation of duty by officer.

SEC. 63. For any wilful violation of any express duty in this act provided for on the part of any officer herein named, such officer shall be liable upon his official bond and shall be subject to removal from office by proceeding brought in the superior court of the county in which the office of the board of directors of the district is located, by any assessment payer of the district.

Omission of land from assessment.

SEC. 64. In the event any land subject to assessment is not assessed or does not appear upon the assessment book of the district for any year, the land so omitted may be assessed in the next or any year following, and the amount of such assessment shall be added to and become a part of the assessment levied upon the land for such subsequent year.

Dissolution of district.

SEC. 65. Any water storage district organized pursuant to the provisions of this act may be dissolved for the same reasons, under the same circumstances, in the same manner, upon the same conditions, and with the same results as is or may be provided by the laws of this state for the dissolution of irrigation districts organized under the laws of California; *provided,* that in case a contract authorized by law has been made between a water storage district and the United States pertaining to the construction, maintenance, or operation of the works of the district, or the delivery or supply of water therefor, no such district

shall be dissolved nor shall any proceedings be initiated by a court or otherwise for the purpose of dissolving such district, unless and until the consent in writing of the secretary of the interior to such dissolution or proceedings has first been obtained.

Title of act.

SEC. 66. This act shall be known and may be referred to in any action, proceeding, or legislative enactment, as the "California water storage district act."

Unconstitutionality of part of act, effect of.

SEC. 67. If any section, subdivision, sentence, clause, or phrase of this act be for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act, and the legislature hereby declares that it would have passed this act and each and every other section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases of this act be declared unconstitutional.

Time of taking effect of act.

SEC. 68. This act shall take effect from and after its passage and approval.

Repeal of other acts.

SEC. 69. The California irrigation act, approved June 4, 1915, and all acts amendatory thereof, and all acts and parts of acts inconsistent with any of the provisions of this act, are hereby repealed, but nothing in this act shall be construed as repealing or in anywise modifying the provisions of any other act relating to the subject of irrigation.

WATERWORKS DISTRICTS, COUNTY.

An act to provide for the formation, management and dissolution of county waterworks districts; for supplying the inhabitants thereof with water; for levying and collecting taxes on property in such districts; and for the issuance of county waterworks district bonds, and the payment thereof.

(Approved June 13, 1913, Stats. 1913, p. 785. Amended Stats. 1915, p. 1188.)

Formation of county waterworks districts.

SECTION 1. Any portion of a county, containing unincorporated territory, or containing the whole or any portion of one or more incorporated cities and contiguous unincorporated territory, and not included in a county irrigation district or county waterworks district, may be formed into a county waterworks district, and provision made for the purpose of supplying the inhabitants of such district with water, in the manner and under the proceedings hereinafter described. (Amended Stats. 1915, p. 1188.)

Bliss vs. *Hamilton*, 171 Cal. 123.

Petition.

SEC. 2. A petition for the formation of such county waterworks district may be presented to the board of supervisors of the county in which the proposed district is located, which petition shall be signed by not less than fifty freeholders, resident within the proposed district, and shall contain:

(1) The name and boundaries of the proposed county waterworks district to be benefited by the said improvement.

(2) A general description of the improvement desired for the purpose of supplying the inhabitants of such district with water, and which may embrace any or all of the following: the acquisition, construction, installation, completion, extension, repair or maintenance of waterworks, structures and appliances, and the acquisition, by purchase, condemnation, contract, lease, or otherwise, of lands, rights of way, water, water rights and water service, necessary or convenient for such purpose.

(3) An estimate of the cost of the proposed improvement and of the incidental expenses in connection therewith.

(4) A request that an election be called in said district for the purpose of submitting to the qualified voters thereof the proposition of forming such district and incurring indebtedness by the issuance of bonds of such district to pay the cost and expenses of the proposed improvement. Such petition must be accompanied by a map showing the exterior boundaries of the proposed district, with relation to the territory immediately contiguous thereto, and contain a general description of the proposed improvement. There shall also be filed with said petition a good and sufficient undertaking, to be approved by the board of supervisors, in double the amount of the probable cost of forming such district, conditioned that the sureties shall pay said cost, in case the formation of such district shall not be effected. (Amended Stats. 1915, p. 1189.)

Hearing on petition.

SEC. 3. Such petition must be presented at a regular meeting of said board of supervisors, and the board shall thereupon fix a time for hearing the same, and protests of interested parties, not less than twenty-one, nor more than thirty days after the date of presentation thereof. The clerk of the said board shall thereupon cause notices of the filing and hearing of such petition to be posted in three of the most public places in said district. Said notice shall be headed "Notice of the formation of _____ county waterworks district No. _____" (stating name of county in which the district is located and the number of the proposed district) in letters not less than one inch in length, and shall, in legible characters, state the fact and date of the filing of such petition, the date and hour set for hearing such petition and protests, briefly describe the proposed improvement, specify the exterior boundaries of the district to be benefited by such improvement and to be taxed to provide for such improvement, and refer to said petition, map and general description of the proposed improvement for further particulars. The said clerk shall also cause a notice, similar in substance, to be published at least

once a week for two consecutive weeks in a newspaper of general circulation printed and published in the county in which the proposed district is located, and designated by said board for that purpose. Said notice must be posted and published, as above provided, at least ten days before the date set for the hearing of said petition. (Amended Stats. 1915, p. 1189.)

Bliss vs. *Hamilton*, 171 Cal. 123.

Written protests; changes in boundaries.

SEC. 4. Any person interested, objecting to the formation of said district, or to the extent of said district, or to the proposed improvement, or to the inclusion of his property in said district, may file a written protest, setting forth such objections, with the clerk of said board at or before the time set for the hearing of said petition. The clerk of said board shall endorse on each such protest the date of its reception by him, and, at the time appointed for the hearing above provided for, shall present to said board all protests so filed with him. Said board shall hear said petition and protests at the time appointed, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision thereon shall be final and conclusive. If any of such protests be against the formation of said district, or against the proposed improvement, and be sustained, no further proceedings shall be had or taken pursuant to said petition, but a new petition for the same or a similar purpose may be filed at any time. If any of such protests be against the extent of said district, or against the inclusion of property in said district, then the board shall have power to make such changes in the boundaries of the proposed district as it shall find to be proper and advisable, and shall define and establish such boundaries, but said board shall not modify such boundaries so as to exclude from such proposed district any territory which will be benefited by said improvement, nor shall any territory which will not, in the judgment of said board be benefited by said improvement, be included within such proposed district.

Neither shall said board modify such boundaries except after notice of its intention so to do, given by one insertion in a newspaper of general circulation printed and published in said county and designated by said board for that purpose, describing the proposed modification, and specifying a time for hearing objections to such modification, which time shall be at least ten days after the publication of said notice. Written objections to such proposed modification may be filed with the clerk of said board by any interested person at or before the time set for hearing the same. Said board shall hear and pass upon such objections at the time appointed, or at any time to which the hearing thereof may be adjourned, and its decision thereon shall be final and conclusive. If such objections or any of them, be sustained, no further proceedings pursuant to such petition shall be taken, but a new petition for the same or a similar purpose may be filed at any time.

At the expiration of the time within which protests may be filed, if none be filed, or if protests be filed and, after hearing be denied, or at the expiration of the time within which objections to the modification of the boundaries of the district, in case such modification be proposed,

may be filed, if none be filed, or if such objections be filed and, after hearing, be overruled, as above provided, then said board shall be deemed to have acquired jurisdiction to further proceed in accordance with the provisions of this act.

Election; rate of interest.

SEC. 5. The board of supervisors shall, by ordinance or resolution adopted at a regular or special meeting thereof after having acquired jurisdiction to proceed, as provided above, provide for and order the holding of a special election in such proposed county waterworks district and the submission to the qualified voters thereof, of the proposition of forming such district and incurring a debt by the issuance of bonds of such district for the purposes set forth in said petition. The ordinance or resolution calling such special election shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the estimated cost of the proposed improvement, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness, and shall fix the date on which said special election shall be held, the manner of holding the same, and the manner of voting for or against said proposition. The maximum rate of interest to be paid on such indebtedness shall be eight per centum per annum, payable semiannually. (Amended Stats. 1915, p. 1190.)

Conduct of election.

SEC. 6. For the purposes of said election, the board of supervisors shall, in said ordinance or resolution, establish one or more precincts within the boundaries of the said county waterworks district, designate a polling place, and appoint one inspector, one judge and one clerk for each such precinct. In all particulars not recited in such ordinance or resolution, such election shall be held as provided by law for holding general elections in such county. Said ordinance or resolution ordering the holding of said election shall, prior to the date set for such election, be published five times in a daily, or twice in a weekly or semi-weekly newspaper of general circulation printed and published in said county and designated by said board of supervisors for said purpose, and shall be posted in three of the most public places in said county waterworks district at least ten days prior to the date set for such election. No other notice of such election need be given. If at such election a majority of the votes cast are in favor of the formation of such district and the incurring of such bonded indebtedness, then the board of supervisors shall enter an order to that effect upon its minutes, declaring said district formed, and said board shall thereupon be authorized and empowered to issue the bonds of said district for the amount provided for in such proceedings, payable out of funds of such district to be provided as in this act prescribed. (Amended Stats. 1915, p. 1190.)

Bliss vs. *Hamilton,* 171 Cal. 123.

Form of bonds.

SEC. 7. The board of supervisors, by an order entered upon its minutes, shall, subject to the provisions of this act, prescribe the form of said bonds and of the interest coupons attached thereto. Said bonds shall be payable in the following manner: a part to be determined by said board, and which shall not be less than one-fortieth part of the whole amount of such indebtedness, shall be payable each and every year on a day and date, and at a place, to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date, until the whole of said indebtedness shall have been paid; *provided, however,* that the board of supervisors may, in its discretion, determine and fix a date for the earliest maturity of the principal of such bonds not more than ten years from the date of the issue of such bonds, but, in this event, the whole amount of such indebtedness must be made payable in equal annual parts in not to exceed forty years from the time of contracting the same. The bonds shall be issued in such denominations as the board of supervisors may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day and at the place fixed in such bonds and with interest at the rate specified in such bonds, which rate shall not be in excess of eight per cent per annum and shall be payable semiannually, and said bonds shall be signed by the chairman of the board of supervisors and countersigned by the auditor of said county, and the seal of said county shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of said county by his engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall, nevertheless, be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of the bonds.

Issue and sale of bonds.

SEC. 8. The board of supervisors may issue and sell the bonds of such district, authorized as hereinabove provided, at not less than par value, and the proceeds of the sale of such bonds shall be placed in the county treasury to the credit of the proper county waterworks district fund and shall be applied exclusively to the purposes and objects mentioned in the ordinance or resolution ordering the holding of the bond election, as aforesaid; *provided,* that in such case of the annexation of all the territory comprising a county waterworks district to an incorporated city, as provided for in section thirteen of this act, subsequent to the authorization of bonds by such district and prior to the issuance and sale thereof, the governing legislative authority of such city is hereby authorized to issue and sell said bonds. The proceeds of the sale of such bonds shall be placed in the city treasury to the credit of the proper county waterworks district fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance or resolution ordering the holding of the bond election, as aforesaid. (Amended Stats. 1915, p. 1911.)

Tax levy for principal and interest.

SEC. 9. The board of supervisors shall levy a tax, each year, upon the taxable property in such county waterworks district, sufficient to pay the interest on said bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy; *provided, however*, that if the maturity of the indebtedness created by the issue of such bonds be made to begin more than one year after the date of such issue, such tax shall be levied and collected at the time and in the manner aforesaid each year, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. Such tax shall be levied and collected at the time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the county treasury and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer in the manner provided by law for the payment of principal and interest on bonds of such county. (Amended Stats. 1915, p. 1191.)

Bliss vs. *Hamilton*, 171 Cal. 123.

Tax for maintenance; water rates.

SEC. 10. The board of supervisors of any county wherein a county waterworks district has been formed under the provisions of this act, shall have the power, in any year after the establishment of such district, to levy a tax upon the taxable property in such district sufficient to pay the cost and expenses of maintaining, operating, extending and repairing the waterworks of said district for the ensuing fiscal year, and said tax shall be levied and collected at the time and in the same manner as the general tax levy for county purposes, and the revenue derived from said tax shall be paid into the county treasury to the credit of the proper fund of said district, and said board shall have the power to control and order the expenditure thereof for said purpose. Said board of supervisors shall also have power to fix and collect rates or charges for the use and supply of water furnished by the system of said county waterworks district, and to apply the receipts from said rates or charges to the expenses of the administration and government of said district and the use, operation and extension of the waterworks and water supply. (Amended Stats. 1915, p. 1192.)

Contracts for improvements.

SEC. 11. All contracts for furnishing the labor, materials or supplies required for any improvement mentioned in this act, shall be let to the lowest responsible bidder. The board of supervisors of the county shall advertise for two or more days in a newspaper of general circulation, printed and published in such county, inviting sealed proposals for furnishing the labor, materials and supplies for the proposed improvement before any contract shall be made therefor. The board shall have the right to require such bonds as it may deem best from the successful bidder, to insure the faithful performance of the contract, and shall also have the right to reject any and all bids; *provided, however,* that nothing herein contained shall be construed as prohibiting

such county itself, and, when ordered by the board of supervisors thereof, it shall have power, to make the proposed improvement without a contractor therefor, and to purchase the materials and supplies, and employ the labor necessary for such purpose; *and provided, further,* that any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the general description of the proposed improvement thereof provided for in section two hereof. Any improvement provided for in this act may be located, constructed and maintained in, along or across any public road or highway, or publicly owned right of way in the county, in such manner as to afford security for life and property; but the board of supervisors of the county shall restore, or cause to be restored, such road or highway, or publicly owned right of way to its former state, as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness. (Amended Stats. 1915, p. 1192.)

District has no authority to pay for promotion expenses incidental to the organization of the district.

Biggart vs. *Lewis,* 60 C. D. 282.

Rules and regulations.

SEC. 12. The board of supervisors of any county wherein any such county waterworks district is situated, shall have power to make and enforce all rules and regulations necessary for the administration and government of such district, and for the acquisition, purchase or construction, the use and operation of the waterworks thereof; to appoint or employ all needful agents, superintendents and engineers to properly look after the performance of any work provided for in this act; and to perform all other acts necessary or proper to accomplish the purposes of this act. (Amended Stats. 1915, p. 1193.)

Title to property; annexation to municipal cororation.

SEC. 13. The title to all property which may have been acquired for a county waterworks district, created under the provisions of this act, shall be vested in the county wherein such county waterworks district is located; *provided,* that whenever all of the territory in such county waterworks district shall be annexed to, or otherwise included within, any municipal corporation owning works for supplying the inhabitants thereof with water, then such county waterworks district shall be deemed dissolved, but said municipal corporation shall have authority to issue and sell any bonds of such district theretofore voted but not issued and sold, as provided in section eight of this act. Upon such annexation, the property of such county waterworks district shall thereupon become the property of such municipal corporation and shall become a part of, and be used in connection with, the works so owned by said municipal corporation; and such municipal corporation and the proper officers thereof shall, as to such property, and as to the levy and collection of taxes to meet the payments of principal and interest on outstanding bonds of such district and the making of such payments, have and exercise the powers and perform the duties vested in and imposed upon the said county, and the board of supervisors and other officers thereof, prior to such annexation or inclusion. All money in the county treasury to the credit of any fund of such county waterworks

district shall, upon the annexation or inclusion of such territory, as above provided, be forthwith transferred to the treasury of said municipal corporation and be used for the purposes for which the same was available prior to such transfer and none other.

Whenever the major portion of the territory of a county waterworks district, created under the provisions of this act, shall be annexed to, or otherwise included within any one municipal corporation, owning works for supplying the inhabitants thereof with water then the board of supervisors of the county may lease to said municipal corporation, for periods not exceeding five years each, that portion of the distributing system of said county waterworks district which may be in said portion of said district annexed to or included in such municipal corporation. Such municipal corporation may use said leased distributing system for the purpose of distributing water directly to individual consumers thereon, with the same power of regulating the service of water through the same, and of charging and collecting for said service, as if said leased distributing system were part of the municipally owned water plant of said municipal corporation. The board of supervisors shall, in any such lease, reserve the right to use said leased distributing system, for the benefit of that portion of the county waterworks district not annexed to or included in said municipal corporation, to the extent that said leased system is essential to the efficient operation of the balance of the system. (Amended Stats. 1915, p. 1193.)

Dissolution of district.

SEC. 14. Any such county waterworks district may, except as otherwise provided in this act, be dissolved by the board of supervisors as hereinafter provided. Upon receiving a petition signed by fifty or more freeholders and residents of such county waterworks district, requesting the dissolution of such district, the board of supervisors shall fix a time for hearing such petition, which shall be not less than ten nor more than thirty days after the receipt of such petition, and shall, at least five days prior to the time so fixed, publish notice of such hearing by one insertion in a daily, weekly or semiweekly newspaper printed, published and circulated in said county. At the time appointed for such hearing, or at any time to which the same may be adjourned, the board of supervisors shall hear and pass upon such petition and may grant or deny the same, and its decision thereon shall be final and conclusive. If such petition be granted the board of supervisors shall, by ordinance or resolution, order the dissolution of said district, and such district shall thereby be dissolved; *provided*, that if at the time of the dissolution of said district there be any outstanding bonded or other indebtedness of such district, then taxes for the payment of such bonded or other indebtedness shall be levied and collected the same as if such district had not been dissolved. (Amended Stats. 1915, p. 1194.)

Alternative method provided.

SEC. 15. This act shall not affect any other act or acts relating to the same or a similar subject, but is intended to provide an alternative method of procedure governing the subject to which it relates. When proceeding under the provisions of this act its provisions and none other shall apply.

Construction.

SEC. 16. The provisions of this act shall be liberally construed to effect the purposes thereof.

Change of name; proceedings not affected.

SEC. 17. The name of any county irrigation district, heretofore organized under the provisions of this act, is hereby changed to "----------county waterworks district No.---------" retaining the same county name and the same number heretofore a part of its name.

Any proceedings heretofore taken under the provisions of this act, and any bond issue heretofore voted by any county irrigation district, under the provisions of this act, whether said bond issue shall have been issued and sold, or not, shall not be affected in any manner, except as in this act provided, by reason of the change of name provided for herein, or by reason of any amendment or change of this act made by the amending act, providing, among other amendments, this section seventeen; but any such proceedings and any such bond issue shall continue and proceed without interruption, in accordance with the provisions of this act amended.

This act may be referred to as the "county waterworks district act." (Added Stats. 1915, p. 1194.)

WATERWORKS DISTRICTS, BONDS OF.

An act relating to bonds of county waterworks districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of county waterworks districts as security for the performance of any act may be authorized.

(Approved June 5, 1915, Stats. 1915, p. 1211.)

Unsold bonds of district.

SECTION 1. Whenever the board of supervisors of any county in which a county waterworks district has been formed and organized under and pursuant to the laws of the State of California shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of said district, including any of its bonds authorized but not sold, shall be made available for the purposes provided for in section seven of this act, the said board of supervisors shall thereupon file a certified copy of such resolution with the commission hereinafter provided for.

Report of district's affairs.

SEC. 2. Such commission, upon the receipt of a certified copy of such resolution, shall, without delay, make or cause to be made an investigation of the affairs of the district and report in writing upon such matters as it may deem essential, and particularly upon the following points:

(*a*) The supply of water available for the project and the right of the district to so much water as may be needed.

(*b*) The nature of the soil as to its fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation and the probable need of drainage.

(*c*) The feasibility of the district's waterworks system and of the specific project for which the bonds under consideration are desired to have been used, whether such system and project be constructed, projected or partially completed.

(*d*) The reasonable market value of the water, water rights, canals, tanks, reservoirs, reservoir sites, rights of way, pipe lines, waterworks, buildings and machinery owned by such district or to be acquired or constructed by it with the proceeds of any of such bonds.

(*e*) The reasonable market value of the lands included within the boundaries of the district.

(*f*) Whether or not the aggregate amount of the bonds under consideration and any other outstanding bonds of said district, including bonds authorized but not sold, exceeds sixty per centum of the aggregate market value of the lands within said district and of the water, water rights, canals, tanks, reservoirs, reservoir sites, rights of way, pipe lines, waterworks, buildings, machinery owned, or to be acquired or constructed with the proceeds of any of said bonds, by said district, as determined in accordance with paragraphs (*d*) and (*e*) in this section.

(*g*) The numbers, date or dates of issue and denominations of the bonds, if any, which the commission shall find are available for the purposes provided for in section seven of this act, and, if the investigation has covered contemplated bonds, the total amount of bonds which the district can issue without exceeding the limitation expressed in paragraph (*f*) of this section.

Report filed with controller.

SEC. 3. The written report of the investigation herein provided for shall be filed in the office of the state controller, and a copy of said report shall by the commission be forwarded to the board of supervisors of the county in which said district is formed and for which the investigation shall have been made, and if said commission shall have found, as set out in said report, that the waterworks system of the district and the specific project for which the bonds under consideration are desired or have been used, whether such project be constructed, projected or partially completed, are feasible and that the aggregate amount of the bonds under consideration and any other outstanding bonds of said district, including bonds authorized but not sold, does not exceed sixty per centum of the aggregate market value of the lands within said district and of the water, water rights, canals, tanks,

reservoirs, reservoir sites, rights of way, pipe lines, waterworks, buildings and machinery owned or to be acquired or constructed with the proceeds of any of said bonds by said district, the bonds of such county waterworks district, as described and enumerated in said report filed with the state controller, shall be certified by the state controller, as hereinafter provided for. If the commission shall be notified by the board of supervisors of any county where a county waterworks district has been formed that such waterworks system has been found in such report to be feasible that the district has issued bonds and the commission shall find that said bonds are for any project or projects approved in such report and that the amount of said bonds does not exceed the limitation stated in such report, the commission shall prepare and file with the state controller a supplementary report giving the numbers, date or dates of issue and denominations of said bonds, which shall then be entitled to certification by the state controller as hereinafter provided for. Subsequent issues of bonds may be made available for the purposes specified in this act upon like proceedings by said district, but, after any of the bonds of a county waterworks district have been enumerated and described as entitled to certification by the state controller as herein provided for, it shall be unlawful for that district to issue bonds that will not be entitled to such certification. It is hereby made the duty of the state controller to provide for filing and preserving the reports mentioned in this section and, also, to make, keep and preserve a record of the bonds certified by him in accordance with the provisions of section four of this act, including the date of certification, the legal title of the district, the number of each bond, its par value, the date of its issue and that of its maturity.

Form of controller's certificate.

SEC. 4. Whenever any bond of a county waterworks district organized and existing as aforesaid, including any bond authorized in any such district but not sold, which shall be eligible to certification by the state controller under section three of this act, shall be presented to the state controller, he shall cause to be attached thereto a certificate in substantially the following form:

Sacramento, Cal. _____ (insert date).

I, _____, controller of the State of California, hereby certify that the within bond, No. _____ of issue No. _____ of the _____ county waterworks district, issued_____(insert date), is, in accordance with an act of the legislature of California approved _____, a legal investment for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, trust companies, the state school funds and any funds which may be invested in county, municipal or school district bonds, and it may be deposited as security for the performance of any act whenever the bonds of any county, city and county, or school district may be so deposited, it being entitled to such privileges by virtue of an examination by the state engineer, the attorney general and the superintendent of banks of the State of California in pursuance of said act.

_____

Controller of State of California.

In case of a change in the constitution or any of the laws of this state relating to the bonds of county waterworks districts, the state controller shall, if necessary, modify the above certificate so that it shall conform to the facts.

Members of commission.

SEC. 5. The attorney general, the state engineer and the superintendent of banks are hereby constituted the commission herein provided for, and said commission shall elect one of its members chairman and may employ such clerks and assistants as may be necessary for the performance of the duties herein imposed, and may fix the compensation to be paid to such clerks and assistants.

Expenses.

SEC. 6. All necessary expenses incurred in making the investigation and report in this act provided for shall be paid as the commission may require by the county waterworks district whose property has been investigated and reported on by the said commission; *provided,* that the benefit of any services that may have been performed and any data that may have been obtained by any member of said commission or any other public official in pursuance of the requirements of any law other than this act, shall be available for the use of the commission herein provided for without charge to the district whose affairs are under investigation.

Bonds legal investments.

SEC. 7. All bonds certified in accordance with the terms of this act shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may, by law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or municipalities in the State of California, such money or funds may be invested in the said bonds of county waterworks district, and whenever bonds of cities, cities and counties, counties, school districts or municipalities may by any law now or hereafter enacted be used as security for the performance of any act, bonds of county waterworks districts under the limitations in this act provided may be so used. This act is intended to be and shall be considered the latest enactment upon the matters herein contained, and any and all acts in conflict with the provisions hereof are hereby repealed.

APPENDIX.

SUPPLEMENTAL LEGISLATION.

There are numerous laws on related subjects which are too voluminous to permit of inclusion in this volume. Reference is hereby made to the *Statutes* where these acts may be found.

Agricultural expert.
  Irrigation district may employ. *Statutes* 1913, p. 75.

Assessment book.
  County assessor must furnish copy on request of district. *Political Code*, § 3653.

Bonds.
  Funding bonds of districts organized under the Act of March 7, 1887. *Statutes* 1897, p. 394; amended 1901, p. 514.
  Imperial irrigation district, validation of. *Statutes* 1915, p. 18.
  Registration of. *Statutes* 1913, p. 23.
  Release of claims on bonds surrendered for cancellation. *Statutes* 1911, p. 1460.
  Security for deposit of county or city moneys, irrigation district bonds are. *Statutes* 1907, p. 974; amended 1913, p. 107; 1921, p. 1425.
  Security for deposit of state moneys, irrigation district bonds are. *Statutes* 1907, p. 67; 1911, p. 482; 1913, p. 108.
  Validation of bonds which have been authorized by four-fifths vote of electors, since January 1, 1910. *Statutes* 1915, p. 837.

Bonds of irrigation districts are legal investments for:
  Banks, Commercial. § 36, Bank Act, *Statutes* 1915, p. 1110. § 46, Bank Act, *Statutes* 1915, p. 1111.
    Savings. § 61, Bank Act, *Statutes* 1921, p. 1386.
    Trust companies. § 96, Bank Act, *Statutes* 1913, p. 179. § 105, Bank Act, *Statutes* 1913, p. 183.
  Insurance companies, in general. *Civil Code*, § 421.
    Fire insurance, surplus and special reserve funds. § 2, *Statutes* 1917, p. 1379.
    Fraternal benefit societies. § 10, *Statutes* 1911, p. 1323.
    Mortgage insurance. *Civil Code*, § 453*ee*.
    Mutual workmen's compensation. § 14, *Statutes* 1913, p. 323.
  School teachers' permanent fund. *Statutes* 1913, p. 1423; amended 1919, p. 500; 1921, pp. 1638 and 1639.
  State compensation insurance fund. *Statutes* 1913, p. 304, § 45.
  State school fund. *Political Code*, § 676.

California Irrigation Act. *Statutes* 1919, p. 671. (Unconstitutional, *Mordecai* vs. *Board of Supervisors*, 183 Cal. 434.)

Canal.
  Private right of way for. *Political Code*, § 2692.

Carey act commission act. *Statutes* 1915, p. 1140.

Colorado river.
  California representation upon joint committee of western states and federal government. *Statutes* 1921, p. 85.

Conservancy districts. *Statutes* 1919, p. 559.

Ditch.
  Highway crossing. *Political Code*, § 2694.
    Joint owners share proportionally the cost of upkeep. *Civil Code*, §§ 842, 843.

Easement.
  When right to flow water is. *Civil code*, § 552.

Eminent domain.
  Injunction suit, defendant may convert into condemnation proceedings when water rights involved. *Code of Civil Procedure*, § 534.
  Rules of pleading and practice in. *Code of Civil Procedure*, §§ 1237–1264.
  Valuation by railroad commission. Const. Art. XII, § 23*a*.
    Public Utilities Act, § 47; *Statutes* 1917, p. 261.

Fishways, over or around dams. *Penal Code*, § 637.
Flood, protection by districts having area exceeding 500,000 acres. *Statutes* 1915, p. 1.
Highways, protection from overflow of ditches. *Political Code*, § 2737.
Imperial irrigation district.
Bonds legalized. *Statutes* 1915, p. 18.
Flood protection authorized. *Statutes* 1915, p. 1.
Purchase of California Development Company authorized. *Statutes* 1915, p. 343.
Injunction.
Restraining sale of district or municipal bonds; petitioner, if a competitor, pays all costs if injunction finally denied. *Code of Civil Procedure*, § 526*b*.
To prevent diversion of water, when issuable. *Code of Civil Procedure*, §§ 530, 532, 534.
Irrigation districts, county.
Validation of. *Statutes* 1915, p. 48.
Mandate.
Ordering delivery of water for irrigation not stayed pending appeal. *Code of Civil Procedure*, § 1110*a*.
Modesto irrigation district created. *Statutes* 1877–8, p. 820. (Obsolete.)
Municipal utility districts. *Statutes* 1921, p. 245.
Power pumping districts, county. *Statutes* 1915, p. 1483.
Public utility districts. *Statutes* 1913, p. 450. *Statutes* 1915, p. 866; amended 1921, p. 262. *Statutes* 1921, p. 906.
Riparian owners. Liability for cutting of banks. *Political Code*, §§ 3486, 3487.
Santa Clara County irrigation district. *Statutes* 1921, p. 1523. (Not in effect; district electors disapproved organization.)
Underground storage of water. *Statutes* 1919, p. 826.
Validation of irrigation districts.
Irrigation districts began in 1911 the practice of obtaining special legislative acts of validation. Following are statutory references to such acts:
Anderson-Cottonwood. *Statutes* 1915, p. 74.
Banta-Carbona. *Statutes* 1921, p. 81.
Baxter Creek. *Statutes* 1917, p. 227.
Beaumont. *Statutes* 1921, p. 25.
Butte Valley. *Statutes* 1921, p. 59.
Byron-Bethany. *Statutes* 1921, p. 30.
Carmichael. *Statutes* 1917, p. 12.
Crooks Canyon. *Statutes* 1921, p. 58.
Fair Oaks. *Statutes* 1919, p. 37.
Foothill. *Statutes* 1921, p. 73.
Fresno. *Statutes* 1921, p. 72.
Glenn-Colusa. *Statutes* 1921, p. 64.
Grenada. *Statutes* 1921, p. 72.
Happy Valley. *Statutes* 1917, p. 906.
Honcut-Yuba. *Statutes* 1921, p. 78.
Hot Spring Valley. *Statutes* 1921, p. 75.
Imperial. *Statutes* 1911 (extra session), p. 119.
Jacinto. *Statutes* 1919, p. 32.
James. *Statutes* 1921, p. 76.
Kasson. *Statutes* 1921, p. 81.
Knightsen. *Statutes* 1921, p. 71.
Laguna. *Statutes* 1921, p. 75.
La Mesa, Lemon Grove and Spring Valley. *Statutes* 1915, p. 323.
Lemoore. *Statutes* 1921, p. 73.
Lindsay-Strathmore. *Statutes* 1917, p. 15.
Madera. *Statutes* 1921, p. 76.
Medano. *Statutes* 1921, p. 77.
Merced. *Statutes* 1921, p. 80.
Modesto. *Statutes* 1911, p. 262.
Naglee Burk. *Statutes* 1921, p. 73.
Oakdale. *Statutes* 1911, p. 262; 1915, p. 56.

Validation of irrigation districts—continued.
Oroville-Wyandotte. *Statutes* 1921, p. 78.
Paradise. *Statutes* 1917, p. 13.
Princeton-Codora-Glenn. *Statutes* 1917, p. 228.
Red Rock Creek. *Statutes* 1919, p. 124.
Riverdale. *Statutes* 1921, p. 75.
San Ysidro. *Statutes* 1913, p. 25.
Scott Valley. *Statutes* 1921, p. 59.
South San Joaquin. *Statutes* 1911, p. 262.
Stratford. *Statutes* 1917, p. 14.
Surprise Valley. *Statutes* 1921, p. 59.
Terra Bella. *Statutes* 1917, p. 14.
Tranquillity. *Statutes* 1919, p. 124.
Turlock. *Statutes* 1911, p. 261.
Waterford. *Statutes* 1915, p. 1249.
West Side. *Statutes* 1917, p. 15.
West Stanislaus. *Statutes* 1921, p. 30.
Williams. *Statutes* 1921, p. 64.
Water.
Appropriation of. *Civil Code*, §§ 1410–1422; superseded, at least in part, by the Water Commission Act.
Contracts relating to sale and distribution. *Statutes* 1901, p. 331.
Miner's inch defined. *Statutes* 1901, p. 660.
Stealing of. *Penal Code*, § 499.
Water Commission Act. *Statutes* 1913, p. 1012; amended 1917, p. 194, 195, 231, 284, 746; 1919, p. 511, 1193; 1921, p. 442, 443, 482, 543.
Water districts.
County water districts. *Statutes* 1913, p. 1049; amended 1915, p. 26; 1917, p. 225; 1919, p. 816.
Municipal water districts. *Statutes* 1911, p. 1290; amended Ex. Sess. 1911, p. 92; 1915, p. 921; supplemented 1917, p. 158.
Organization by county supervisors upon petition. *Statutes* 1913, p. 815; amended 1917, p. 1408; 1921, p. 1142.
Water pipes.
Injury to. *Penal Code*, § 624.
Water resources of state.
Investigation of conditions and preparation of plans. *Statutes* 1921, p. 1685.
West Side irrigation district.
Created. *Statutes* 1875–6, p. 885; 1877–8, p. 468. (Obsolete.)
Workmen's Compensation Act.
Irrigation district subject to provisions of. § 7; *Statutes* 1919, p. 913.

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